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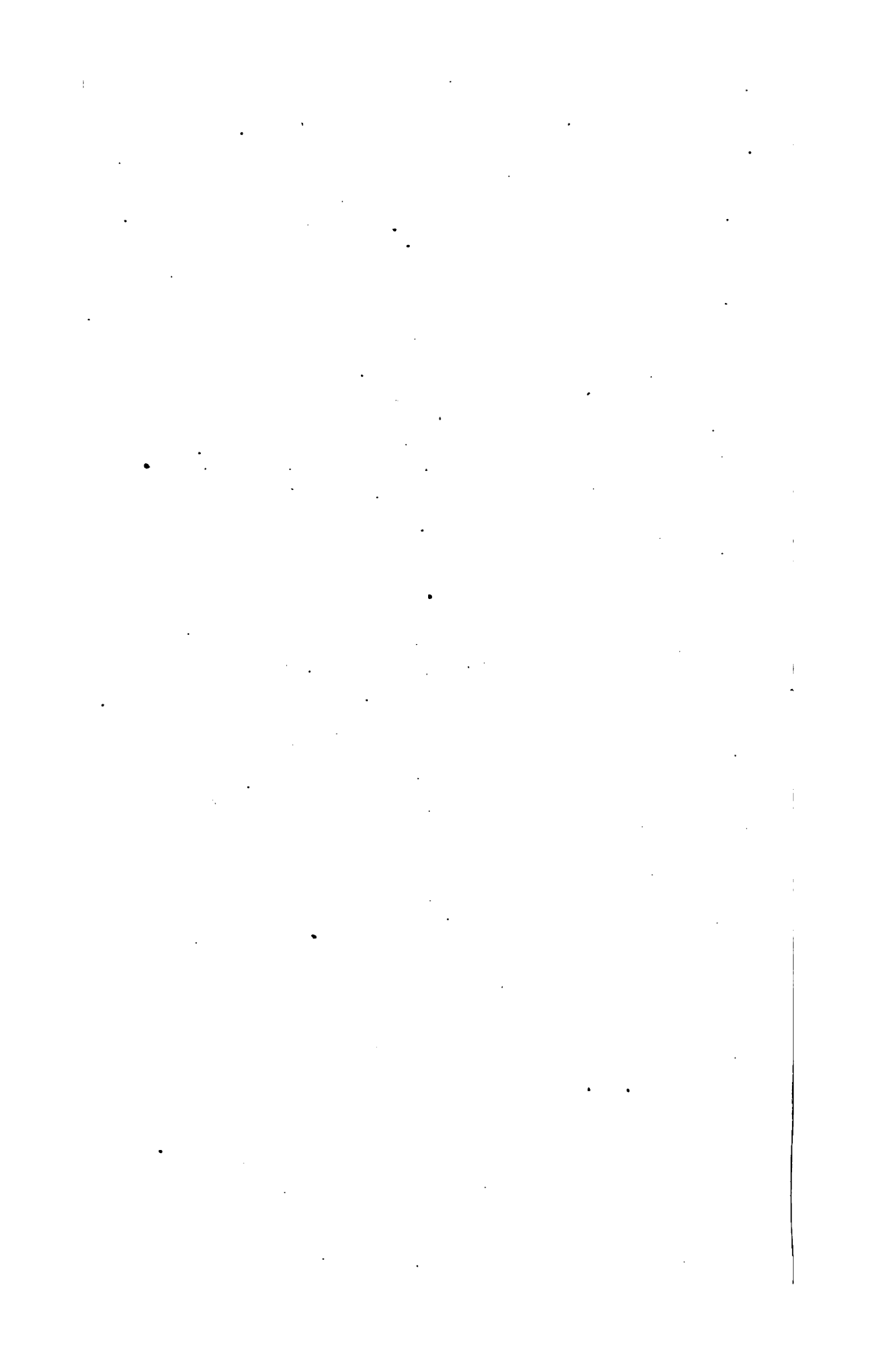
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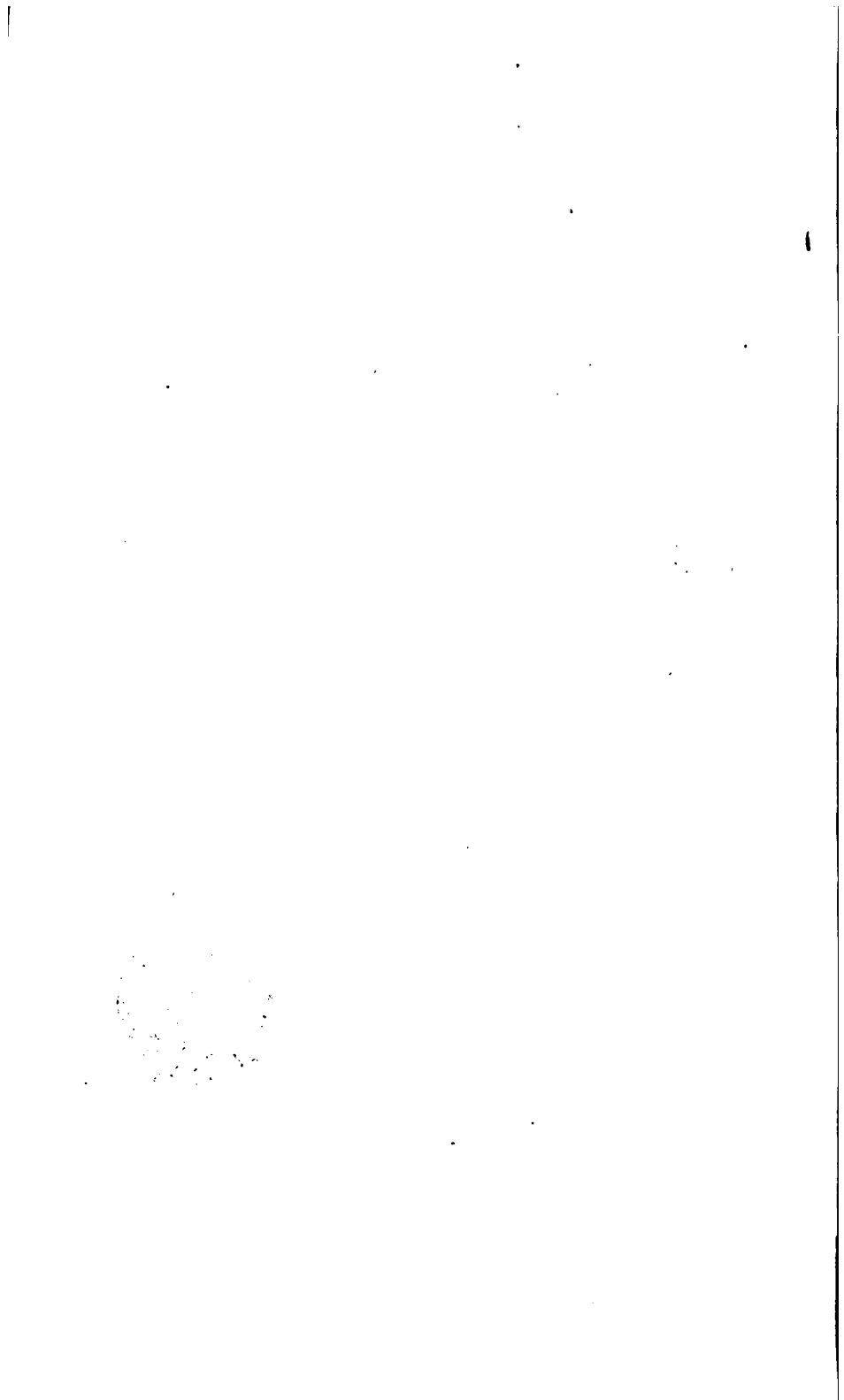
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THE PRACTICE IN LUNACY.



THE
PRACTICE IN LUNACY

UNDER
Commissions and Inquisitions.

WITH
NOTES OF CASES, AND THE MOST RECENT DECISIONS:

AN APPENDIX
CONTAINING
FORMS AND COSTS OF PROCEEDINGS,
THE STATUTES, AND
THE GENERAL ORDERS, IN LUNACY:
AND
A COPIOUS INDEX.

The Fourth Edition,
WITH CONSIDERABLE AMENDMENTS AND ADDITIONS ADAPTED TO THE
PROVISIONS OF "THE LUNACY REGULATION ACTS, 1853 AND 1862."

BY
JOSEPH ELMER,
OF THE OFFICE OF THE MASTERS IN LUNACY.

"UTILITATE OMNIA METIENDA SUNT."

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1864.



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TO
FRANCIS BARLOW, ESQUIRE,
AND
SAMUEL WARREN, ESQUIRE, Q.C.,
The Masters in Lunacy,
THIS
MANUAL OF THE PRACTICE IN LUNACY
IS,
WITH THEIR PERMISSION,
RESPECTFULLY DEDICATED.

PREFACE.

SINCE the publication of the preceding edition of the "Practice in Lunacy," which pointed out the various alterations then introduced into the Law and Practice, an important Statute—namely, "The Lunacy Regulation Act, 1862" (25 and 26 Vict. c. 86)—has been passed, making further amendments; and under which the power of the Court, as well in the mode of making Inquiries in Lunacy, as in relation to the expense of the proceedings, and other matters, is considerably increased. These changes and amendments are fully adverted to in the following pages; and the Author trusts that though a longer period than he desired has been required for the preparation of the present Volume, yet that its extended and more complete form will, especially with the additions which it contains of references to the most recent decisions under the several statutes applicable to the subject of it, render it more acceptable and useful than it might otherwise have been.

LINCOLN'S INN,

August, 1864.

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THE PRACTICE IN LUNACY.

CHAPTER I.

OF THE JURISDICTION.

EVERY person of the age of discretion is in presumption of Law of sane memory, unless the contrary be proved ; and this holds as well in civil cases as criminal. (H. P. C. 33.)

The Crown as *Parens Patriæ* has by virtue of its prerogative the care and custody of the persons and estates of those of non-sane memory, and who from want of understanding are incapable of taking care of themselves.* Prerogative of the Crown.

This Royal Prerogative seems to have existed anterior to the Statute of 17 Ed. 2, called *Prerogativa Regis*, which is declaratory only, but the date of its origin it is not easy at this remote period to ascertain with certainty.†

It is, however, a right which is never exercised, but upon a previous office (or inquisition) found ;‡ and for the purpose of its exercise the Crown by sign manual delegates its authority to its own great officer, not necessarily, but usually the Lord High Chancellor,§ and now also since the establishment of How exercised.

* F. N. B., 232; Lord Ely's case, 1 R. P. C., App. 518; Atty. Gen. v. Tiler, 1 Dick., 379; *Re* Windham, L. J. Rep., vol. 31, N. S. Ch. 720.

† 2 Co. Rep. pt. 4; Aml., 707, 2 Ves., 69; 3 Atk., 308; Staunf. Prerog., cap. 8, 38.

‡ *Ex pte.* Gillam, 2 Ves., 586, 7; *Ex pte.* Ward, 6 Ves., 579; Winthrop v. Winthrop, 1 Coop., T. L. C. 196; Tourson's case, 4 co., pt. 8, 170; Staun. Prerog. 33.

§ 2 Sch. and Lef., 438, 2 Ves., 69, 2 Dick., 552. The form of this warrant is given by Lord Campbell in his "Lives of the Lord Chancellors," vol. 1, page 14. As to the jurisdiction of the Lord Chancellor and the distinction between the authority in Lunacy and Chancery, see also *Sherwood v. Sanderson*, 19 Ves., 280; *Ex parte* Lund, 6 Ves., 781; *Murray v. Frank* 2, Dick., 555.

the Court of Appeal in Chancery by Act of 14 and 15 Vic., cap. 83, to the Lords Justices of such Court concurrently with the Lord Chancellor. (Lunacy Regulation Act, 1853, Sec. 2, which is given in the Appendix.)

Subjects
of the
Prerogative.

According to Lord Coke [Beverley's case, 2 co., pt. 4, and 2 Inst. 14] there are "4 manners of *non compos mentis*," to whom the Royal Prerogative extends,

1. Idiot or fool natural.
2. He who was of good and sound memory, and by the visitation of God has lost it.
3. Lunaticus, qui gaudet lucidis intervallis, and sometimes is of good and sound memory, and sometimes *non compos mentis*.
4. He that is so by his own act, as a drunkard.

The several legal terms usually introduced into modern Acts of Parliament to denote mental incapacity are those of "Idiot," "Lunatic," or of "unsound mind;" but it is unnecessary here further to define them. The latter term however, is that which is now most commonly used as included in the expression "*non compos mentis*" or "non-sane memory," (Barnsley, 3 Atk. 168), and is that which is most comprehensive and distinct, and less open to objection than either of the other terms.

Interest of
the Crown.

Cases of Idiocy in the strictly legal sense of the term are now rarely met with; but in these cases the interest of the Crown is different from that in cases of lunacy, or of unsoundness of mind. In the latter the Crown, as a Trustee, has only the duty of taking charge of the person and property for the exclusive benefit of the particular individual, while in cases of idiocy, it has both a trust and an interest, taking if it pleases to its own use (but which it now never does) the profits of the estate, after making adequate provision for the necessary comforts of the idiot and his family. (2 Sch., and Lef. 436.) In either case however, the Crown, on the recovery or death of its charge renders back the estate to him or to those members of the family (as the case may be) then lawfully entitled to it, in, as nearly as possible,

the same state and condition as when the exercise of its authority was first assumed.*

Various statutes have from time to time been passed for regulating the proceedings in matters of this nature; but the chief provisions on the subject were consolidated in the Act of the 16th and 17th years of Her present Majesty, c. 70, called "The Lunacy Regulation Act, 1853," above referred to, which (*Sec. 4*) extends to England and Wales, and to Ireland also where the same is specifically mentioned.

Other statutes, which will be hereafter pointed out, have since been passed to amend and extend certain provisions of this Act.

The great object contemplated in all the proceedings, the nature of which it is the intention of the following pages to explain, is the promotion of the benefit and advantage of the particular individual;† and while there are cases in which the Lord Chancellor, in the exercise of his discretion, may consider that the proceedings would not tend to this end, though the mental infirmity might be such as fully to support them,‡ there are on the other hand, cases in which from even a less degree of mental incapacity, it is imperatively necessary for the interests of the individual that he and his property should receive the protection which it is the peculiar province of the Royal Prerogative to afford.§

By the second section of the Lunacy Regulation Act, 1853, it is directed that "the word 'Lunatic' shall be construed to mean any person found by inquisition idiot, lunatic, or of unsound mind, and incapable of managing himself or his affairs."

* Prerog. Reg., 2 Atk., 413; and 2 Mer., 99.

† *Ex parte* Tomlinson and Broadhurst, 1 V. and B., 57; *Re* D. Sombre, 1 Mac. and Gor., 116; *Oxenden v. Compton*, 2 Ves., 69; *In re* J. B., 1 Myl. and C., 538.

‡ Lord Ward's case, 1 Myl. and K., 54; *Brodie v. Barry*, 2 V. and B. 36; *Ex parte* Tomlinson (above).

§ *Gibson v. Jeyes*, 6 Ves., 267; *Ridgway v. Darwin*, 8 Ves., 66, 7; *Re* Holmes, 4 Russ., 182.

CHAPTER II.

AS TO THE MODE OF OBTAINING THE EXERCISE OF THE PREROGATIVE.

SECTION I.—*Application to the Lord Chancellor.* II.—*Order for Inquiry.* III.—*Proceedings on the Inquiry.* IV.—*Inquisition and Verdict.*

SECTION I.—*Application to the Lord Chancellor.*

By Section 39 of "The Lun. Reg. Act, 1853," it is enacted that—

General
Commission
may be is-
sued di-
rected to
Masters.

"In lieu of the commission now issued specially in each case of alleged lunacy, a general commission to the like effect, with such variations as may be necessary or expedient, may from time to time be issued in duplicate under the Great Seal, directed to the Masters (in Lunacy),* by name, jointly and severally, who shall by virtue thereof proceed in each case of alleged lunacy concerning which the Lord Chancellor [entrusted as therein mentioned] shall order them to inquire, in like manner and with all the like powers and authorities (subject to the provisions therein contained) as if a commission had issued specially in such case, and every inquisition found and returned thereon shall be as valid and effectual to all intents and purposes as if the same had been found and returned on a separate commission."

Under this Section a General Commission (which is given in the Appendix) has been issued to the Masters directing them to proceed in each case concerning which they shall, by separate order, be directed to inquire.

Petition for
Inquiry.

This Order of Inquiry is obtained on a Petition (see *Form in Appendix*) presented to the Lord Chancellor, usually by

* There are two Masters appointed under the Act 5 and 6 Vic., c. 84, the provisions of which now repealed are incorporated in the Lunacy Regulation Act, 1853.

a member of the family of the supposed lunatic; but a creditor or other person not of the kindred may present it.* Pursuant to the order of the Lord Chancellor for that purpose, it must be signed by the petitioner, and be attested by a Solicitor duly admitted in the Court of Chancery.† The Petition is supported by Affidavits, generally of two Medical men (*Physicians or Surgeons*), and of members of the family, or other persons to whom the alleged lunatic is known, explaining the particulars of the alleged unsoundness of mind, and the conduct and conversation by which it is shown. These Affidavits also state, in general terms, the nature and amount of the alleged lunatic's property, and who are his nearest relations. Care should be taken that the Affidavits are not sworn before the Petitioner's Solicitor, but before some other duly authorised Commissioner, or Officer in Chancery.‡ The Petition and Affidavits are then filed with the Registrar in Lunacy,§ who prepares office copies of them for the parties.

Affidavits in support.

A plain copy of the Petition should be left at the same time with the Registrar, who marks upon the original petition the date of its presentation, and returns it to the Solicitor to enable him to serve the alleged lunatic with the petition and notice, as subsequently mentioned.

If the alleged lunatic be married, and the application for the inquiry be not made by the husband or wife, it must be shown that he or she (as the case may be) either assents to the proceedings or is acquainted with them. Such assent, whether in this or any similar case, may be given by letter or memorandum, in writing, the signature thereto being verified by affidavit, also filed with the Registrar.

Under Section 40 of the Lunacy Regulation Act, 1853, the alleged lunatic is entitled to "*Notice of the presentation of the petition for inquiry, and may, by a notice, signed by*"

Notice to lunatic and demand of jury.

* *Ex parte Ogle*, 15 Ves., 112; *Re Smith*, 1 Rus., 348; *Re Anstie*, 1 Mac. and Gor., 200; *Re Webb*, 2 Phill., 10; *Re Bedell*, and *Re Bell*, 2 Co., T. L. C., 163.

† Vide General Order of 4 May, 1827, in Appendix.

‡ The London Commissioners for taking affidavits, &c., are not confined to their places of business for taking them; but may take them anywhere within the prescribed limits. (3 De. Gex., M. and G., 723.)

§ Vide Lun. Reg. Act, 1853, Sections 10, 11, 69, 92, and General Orders, Nov. 1853, 7-10.

"him, and attested by his Solicitor, and filed with the Registrar," demand, if he shall think fit, an inquiry before a jury. The notice thus given to the alleged lunatic is by personal service upon him of a copy of the petition endorsed with the notice, the form of which is given in the 7th of the General Orders of November, 1853.

Demand of
inquiry by
jury.

But by *Sec. 8* of the Lunacy Regulation Act, 1862, (amending the Act of 1853 and given in the Appendix,) it is enacted that, "With reference to inquiries before the Master without a jury, and the right of the alleged lunatic to demand an inquiry by a jury, upon the hearing of any petition for inquiry, it shall be lawful for the alleged lunatic, by himself, his Counsel, or Solicitor, orally, or by petition addressed to the Lord Chancellor intrusted as aforesaid, to demand an inquiry by a jury, and such demand shall have the same effect as if made by notice filed with the Registrar in accordance with the provisions of the said Act."

Demand of
inquiry by
jury may be
withdrawn.

And by *Sec. 9* it is provided that, "upon such hearing the alleged lunatic may, by himself, his Counsel, or Solicitor, orally or by petition as aforesaid, withdraw any notice of demanding an inquiry by a jury previously filed by him."

Order
thereon.

If there be no opposition, and the Lord Chancellor be satisfied with the evidence, and the propriety of the inquiry, and that the notice to the alleged lunatic has been given, and the time allowed to require a jury has expired (the affidavit of service of the notice being also filed with the Registrar, *Vide G. O. 9.*), an order issues as of course, directing the inquiry to be made. But should the petition be opposed, or a caveat* (*See form in Appendix*) have been lodged, or the application be that of a stranger, or one of the kindred without the concurrence of the husband or wife (if the alleged lunatic be married), the petition is set down by the Registrar for hearing before the Lord Chancellor, or the Lords Justices.†

Caveat.

Service of
petition.

The petition, if presented by a stranger, must, when answered, be served on the nearest relations of the alleged

* *Re Galpine*, 1 Coll., 197. † *Re Turner*, 2 Coop., T. L. C., 165.

lunatic, or if it be presented by one of the kindred, without the consent of husband or wife, it must be served on the husband or wife (as the case may be).^{*} When the petition has been thus served, and the service, or consent as above stated verified by affidavit, if necessary, the matter is heard in Court, and an order pronounced thereon.

Hearing.

By Section 54 of the Lunacy Regulation Act, 1853, the (General) Commissioners in Lunacy are empowered in certain cases in which "they are of opinion that the property of any person alleged to be a lunatic, or detained or taken charge of as a lunatic, but not so found by inquisition, is not duly protected, or that the income thereof is not duly applied for his benefit," to make a report to the Lord Chancellor, which report is "to be tantamount to an ordinary petition for inquiry supported by evidence," and to be dealt with in the same way.

Inquiry may be ordered on report of Commissioners.

In this case, however, it is presumed that the Lord Chancellor would require some evidence of the character of the insanity, and would also direct notice to be given to a member of the family of such alleged lunatic.

It is, as before stated, in the discretion of the Court either to grant, or withhold, as not being needful for the benefit of the alleged lunatic, the order for inquiry; and the carriage of the order is, in the event of a contest, usually granted to the person most likely to bring out the whole truth: subject to which a preference is given to the next of kin.[†]

Carriage of Inquiry.

Preference may also be given in the carriage of the order to the petitioner whose petition is first presented and answered on a given day.[‡]

The commission or inquiry being for the benefit of the alleged lunatic, and not for the convenience of others, they may be required to bear the expense of it.[§]

^{*} *Re Rean*, 2 Coop., T. L. C., 163.

[†] *Re Anstie*, 1 Mac. and Gor., 200; S. C., 13 L. T., 133; *Ex parte Tomlinson and Broadhurst*, 1 Ves., and B., 57; *Re Nesbitt*, 2 Phill., 245; *Re Webb*, 2 Phill., 10; *Re Green*, 2 Coop. T. L. C., 163.

[‡] *Re Brookman*, 1 Mac. and Gor., 199.

[§] *Ex parte Tutin*, 3 Ves., and B., 149.

If the petitioner for an order for inquiry should die before the order is executed, a new order, on petition, must be procured directing who shall prosecute the inquiry.

Appearance
on Inquiry.

The application of a party interested in the alleged lunatic's estate to appear on the execution of a commission was refused, the party objecting to be bound by the result of the proceedings.*

But an application by persons interested under a deed executed by the alleged lunatic for leave to attend the execution of a commission (undertaking at the same time to abide by any order as to any increase of costs caused by such attendance) was allowed, the object of the commission being to override the deed.†

Pending the proceedings relative to an inquiry the Court will retain the alleged lunatic within its jurisdiction.‡

SECTION II.—*Order for Inquiry.*

Order for
Inquiry.

The inquiry having been directed, the Registrar in Lunacy prepares the special order, (in lieu of a commission,) and delivers it to the Solicitor having the carriage of it. It is engrossed on paper, impressed with a 2*l.* Chancery stamp, and signed by the Lord Chancellor, or the Lords Justices, and is usually in the following form,§ viz :—

Without
jury.

“ That F. B. and S. W., Esquires, the Masters in Lunacy
“ or one of them, do in pursuance of the General Commis-
“ sion under the Great Seal of Great Britain, to them for
“ that purpose directed, inquire concerning the alleged
“ lunacy of the said B. W. N., now residing at, &c., and that
“ the said inquiry be held at the place of abode of the said
“ B. W. N., or as near thereto as conveniently may be.”

With jury.

Where a jury is directed, the order is as follows :—

“ That F. B. and S. W., Esquires, the Masters in Lunacy,
“ or one of them, do in pursuance of the General Commis-
“ sion under the Great Seal of Great Britain, to them

* *Re Watts*, 1 Phill., 512.

† *Ex parte Richards*, 16 Jur., 508; 1 De Gex. M. and G., 719.

‡ See Marr's case cited in *re Anandale*, Amb. 82.

§ In a case where a Commission was accidentally lost, a duplicate was directed to be prepared to be annexed to the Inquisition. (*Re Raine*, 19 Ves., 588.)

"for that purpose directed, inquire by the oath of good and lawful men, concerning the alleged lunacy of the said J. N., now an inmate of, &c., at, &c., and that the said inquiry be held at the place of abode of the said J. N., or as near thereto as conveniently may be, and that a good jury of the said County and of the neighbourhood where the said J. N. resides, be returned to inquire of his lunacy."

The Court has the power in certain cases, under *Sec. 32 of the Lunacy Regulation Act 1853*, of remitting the fees and per-centage; and if such payments should be remitted, the following clause is added to the order:—"And that no fee or per-centage be levied in relation to the proceedings in the matter of the lunacy of the said —, or to his property, as from the date of this order and inclusive thereof until further order."

Although the inquiry is, under the common practice, directed to take place as above, by order under the General Commission, the Lord Chancellor is still empowered to issue a Commission specially in any case, as previous to the passing of the Lunacy Regulation Act, "if he shall upon any occasion deem it proper to do so" (*Sec. 50*): and such Commission would in that case be engrossed and passed under the Great Seal, as formerly.

Keeping back a Commission without procuring its execution, is a contempt of Court, which subjects the parties to costs.*

An alien residing in England may be the subject of an inquiry.†

To avoid inconvenience and expense, a Commission (or inquiry) where the alleged lunatic resides in one county, may be directed to be executed in another.‡

A lunatic residing in England, having property in Jamaica, where he was so found lunatic, must still be the subject of an inquiry in England, in order to obtain the protection of the Lord Chancellor.§

* 2 Atk., 52.

† *Re Bariatinski*, 1 Phill., 375.

‡ *Re Waters*, 2 Myl. and C., 38; *ex parte Smith*, 1 Swanston, 4.

§ *Re Houston*, 1 Russ., 312.

Exemption
from
Fees, &c.

Special
Commission.

For the purpose of conducting the inquiry, the Court will direct funds to be placed at the command of the alleged lunatic, and pending the proceedings, will also make the necessary arrangements for the protection of his estate.*

SECTION III.—*Proceedings on the Inquiry.*

Proceedings
on the
Inquiry.

The inquiry is conducted by one of the Masters (who is the Commissioner for the purpose), without a jury, unless :

1st. The Lord Chancellor directs that there shall be a jury. (*Lunacy Regulation Act, 1853, Sec. 41, 42.*)

2nd. The alleged lunatic being able to exercise a judgment, demands a jury. (*Sec. 41.*)

3rd. The Master considers a jury necessary. (*Sec. 43.*) Or,

4th. The alleged lunatic resides abroad. (*Sec. 45.*)

The order for inquiry having been obtained, it must be taken with the office copies of the affidavits on which it issued, to the office of the Masters in Lunacy.

Instructions
for Inquiry.

The Solicitor, on attending the Master, should be able to inform him of a suitable and convenient place for holding the Inquiry, which is usually made at the residence of the supposed lunatic, or at some neighbouring court or inn, where there is a sufficiently spacious room to afford accommodation for the witnesses and for the jury (if there be one).† It must be so arranged that the supposed lunatic can attend if desirous of doing so,—and at all events that the Master and the jury (if there be a jury) may have easy access to him. In a town when the inquiry is by jury, a Court is usually found preferable to an inn.

Precept.

The Masters on obtaining this information, will appoint a convenient day and place for holding the Inquiry. They take the inquiries in rota, and when such appointment has been made, one of them will sign and seal the precept, which when the Inquiry is not by jury, is addressed to the Solicitor having the carriage of the proceeding, and is retained by

* *Re Holmes*, 4 Russ., 182; *re Hell*, 3 Atk., 635.

† *Vide ex parte Baker*, 19 Ves., 340; *ex parte Hall*, 7 Ves., 260; *ex parte Smith*, 1 Swanston, 4; *re Southcote*, Amb., 109.

him ; but when a jury is directed, the precept is then addressed to the Sheriff, and is left by the Solicitor with the Under-Sheriff, of the county in which the Inquiry has to be made.

Before the time fixed for opening the Inquiry, the Solicitor should not only have prepared the evidence of the insanity, but also have informed himself who are the heir and next of kin, and what is the property of the alleged lunatic, who ought to be appointed committees, and what ought to be allowed for his maintenance ; as in the event of the party being found a lunatic, or of unsound mind, the necessary subsequent inquiries directed by General Orders 11 are, when convenient, proceeded with by *visâ voce* evidence while the family are at hand, and can be personally consulted by the Master. The adoption of this course is attended with a considerable saving both of time and expense.

When the Inquiry is by a jury, the Sheriff impannels persons residing in the immediate neighbourhood of the supposed lunatic's residence, whose names appear in the Special Jury List ; but juries may, and as the expense is less, it is desirable that they should when the property is small, be summoned from the Common Jury List.

Each juryman, if special, usually receives for his attendance one guinea per diem, and if common, half a guinea.

Under a General Order of the Lord Chancellor, made in May, 1827 (*inserted in the Appendix*), which is filed with the Registrar, allowances for refreshments for juries, on the execution of inquiries are prohibited.

The attendance of a witness on the Inquiry, whether before a jury or not, is obtained by a summons under the hand and seal of the Master, at whose office forms of summonses are procured. The Solicitor should obtain as many of these summonses, which are issued by the Masters as incident to their office* as he thinks he shall want, and the Master taking the particular Inquiry signs them on their being

* *Re Lund*, 6 Ves., 781 ; and *Sec. 55, 56, and 60, of Lunacy Regulation Act, 1853 ; and Sec. 18, of the Lunacy Regulation Act, 1862.*

filled up addressed to the several witnesses whom it is proposed to examine.

Service. A copy of the summons is served upon the witness, the original being produced and shown to him at the time of service. (*See Forms in Appendix.*)

Allowances to witnesses. The allowances to witnesses vary according to their profession, rank in life, and the nature of the case. It is sometimes important (more particularly in cases where there are juries) to have the first medical evidence, and the fees to the eminent physicians and surgeons in London are high; but the allowances to the witnesses are generally regulated by the same scale as at common law.

Summons to produce alleged lunatic. Should there be any doubt whether the alleged lunatic will be forthcoming at the Inquiry, the Master's summons to produce him must be obtained and served upon the party having him in charge. (*See Form in Appendix.*)

Refusing to produce the alleged lunatic, when directed to do so, is a contempt of Court, for which the party so refusing may be committed. (*Re Lord Wenman*, 1 P. W. 701.)

Opening the Inquiry. On opening the Inquiry when there is a jury, the Under-Sheriff calls over the panel of the jury. The General Commission and the Special Order are then read by the Solicitor having the carriage of the Inquiry, or by the Under-Sheriff, and the jury are sworn. (*See Oaths in Appendix.*) The Master then explains the nature and object of the Inquiry, the principles of law respecting it, and the several points to which the attention of the jury is to be directed. If counsel attend in support of the Inquiry, he opens the case by stating what particulars he intends to prove, and calls his witnesses. If no counsel appear in support of the Inquiry, the Master states, so far as he is able from the affidavits on which the order for Inquiry issued, the kind of case which he presumes is likely to be proved; and the witnesses tendered are examined by himself, or the Solicitor to the Inquiry. The Master also personally examines the alleged lunatic, and sums up the case, and directs the jury to consider their verdict.

The alleged lunatic, or some one on his behalf, and the petitioner, are the only persons who can, unless by special

leave of the Lord Chancellor, be heard on the Inquiry.* Permission to a party to appear on an Inquisition, unwilling to be bound by the result, it being clear that his object was not to benefit the alleged lunatic, was refused. (*Re Watts*, 1 Phill., 512.) If the Inquiry be opposed, the counsel opposing cross-examines the witnesses produced in chief, and when all the witnesses for the Inquiry have been examined, the alleged lunatic is examined by the Master, and the counsel for the Inquiry sums up his case. The counsel opposing then states to the jury his observations upon the case, and if he think fit produces evidence to meet it, and to show the sanity of the party. After the reply (if any) of counsel for the Inquiry, the Master sums up the case, and directs the jury to consider their verdict.†

Except in cases where the alleged lunatic is abroad, or it is impracticable to see him, the jury never come to a decision without a personal inspection. The jury see the alleged lunatic at such times as they and the Master think fit, generally at the end of the case for the Inquiry. In these excepted cases the Master and jury require, of course, the evidence from witnesses to be most complete and conclusive, and to be brought down to the latest possible period. A lunatic taken out of the jurisdiction, may be directed to be brought back for the purpose of the Inquiry. (*Re Wykeham*, 1 Tur. and Russ., 537.)

The Inquiry, whether before a jury or not, was under Section 47 of the Act, 1853, confined to the alleged lunatic's state of mind at the time of the Inquiry, unless otherwise specially directed by the Lord Chancellor, in which case the precise period from whence the Inquiry was to be made was mentioned in the order. But by *Sec. 3* of the Lunacy Regu-

* *Re Clements*, 2 Coop., T. L. C., 166; *S. C. Shel.*, 126-7.

† By the Common Law Procedure Act, 1854, 17th and 18th Vict., c. 125, sec. 18, it is enacted that "Upon the trial of any cause the addresses to the jury shall be regulated as follows:—The party who begins, or his counsel, shall be allowed in the event of his opponent not announcing at the close of the case of the party who begins his intention to adduce evidence, to address the jury a second time at the close of such case, for the purpose of summing up the evidence; and the party on the other side, or his counsel, shall be allowed to open the case, and also to sum up the evidence (if any); and the right to reply shall be the same as at present."

lation Act, 1862, it is enacted, that "the Inquiry to be made under every order for Inquiry or Commission of Lunacy or issue shall be confined to the question whether or not the person who is the subject of the Inquiry is at the time of such Inquiry of unsound mind, and incapable of managing himself or his affairs, and no evidence as to anything done or said by such person, or as to his demeanour or state of mind at any time being more than two years before the time of the Inquiry, shall be receivable in proof of insanity on any such Inquiry, or on the trial of any traverse of an Inquisition, unless the Judge or Master shall otherwise direct."

Alleged
lunatic en-
titled to be
present.

The alleged lunatic is entitled to be present at the Inquiry if he desire it; and the Master generally asks him personally, before evidence is given, what his wishes are on the subject.

By the last-mentioned Act, *Sec. 6*, it is enacted, that "on the trial of every such issue as last aforesaid, the alleged insane person shall, if he is within the jurisdiction, be examined before the taking of the evidence is commenced, and at the close of the proceedings, before the jury consult as to their verdict, unless the presiding Judge shall otherwise direct; and such examinations of the alleged insane person shall take place either in open Court, or in private, as such Judge shall direct."*

The Court of the Master is in all cases an open Court, and† when sitting with a jury, is a Court of Record. (*Act*, 1853, *Sec. 48*.)

Foreign wit-
nesses.

If from the residence of the alleged lunatic out of the jurisdiction, it is important to procure the evidence of witnesses abroad, a Commission to procure such evidence may be obtained, on a petition to the Court for the purpose, duly supported by proof of its necessity. (*Re Webb*, and *re Woodcock*, 2 Coop., T. L. C., 145.)

Inquiry
without
jury.

When the Inquiry is without a jury, the Master attends

* As to the inspection of the alleged lunatic by the jury, see *ex parte Southcote* Amb., 109; and *re Smith*, 1 Swanston, 4.

† 1 Hen. 8, c. 8; and 3 Hen. 8, c. 2.

at the place fixed for holding it, and the Inquiry is prosecuted in every respect as if a jury were present, except that the Inquisition is a record of the verdict of the Master alone.

If on proceeding to make the Inquiry without a jury, and having heard the case, the Master should consider a jury necessary, or expedient, he is empowered under the 43rd Section of the Act, to issue his precept to the Sheriff, and to proceed in all respects as if the Lord Chancellor had in the first instance directed the Inquiry to be before a jury.

An Inquiry (or Commission) in lunacy being a Prerogative proceeding, no warrant from a Palatinate Jurisdiction is required, as in certain other cases, for summoning a jury in any such jurisdiction, the Commission and Precept being in all cases directed to the Sheriff of the particular county or place in which the jury are to make the Inquiry. Inquiry
Prerogative
proceeding.

SECTION IV.—*Inquisition and Verdict.*

Where there is no jury, the Inquisition written in duplicate on paper, and on parchment (the forms of which are obtained at the Masters' office), is filled up and signed by the Master, whose seal is also attached to the parchment form.

The following, or some other suitable return is endorsed by the Master on the order for Inquiry, namely, "*By virtue of Her Majesty's General Commission and of this Order, I have made the Inquiry thereby directed, as appears by the Inquisition hereunto annexed.*" The Order is annexed to the Inquisition, which has the same effect as an Inquisition before a jury. (Act, 1853, Sec. 44.) Return.

Where the Inquiry is by jury, and a verdict has been agreed upon by at least twelve of the jurymen (Act, Sec. 46), the Inquisition obtained and prepared in duplicate, on paper and parchment, as mentioned above (*See Forms in Appendix*), is completed by filling up the necessary blanks left for the verdict, &c. These documents are then read over by the Solicitor, and if consistent with the verdict of the jury, Inquisition
by jury.

the paper form is signed, but not sealed, by the jurymen (at least twelve) *agreeing* to the verdict. The dissentient jurors do not sign it.

The parchment form, to which the seals only of the jurors, and the seal of the Master are attached, with the signed paper, are then handed by the foreman of the jury to the Master, who thereupon signs each form.* The Master annexes the Inquisition on parchment to the order, or orders, for the Inquiry, and his return in the form given above is endorsed on the order for Inquiry and signed by him. The jury usually receive their fees immediately on the termination of the Inquiry. (*See page 11.*)

Filing.

The Inquisition and order so annexed and endorsed, are then filed by the Master's clerk in the Petty Bag Office, where an office copy, if required, is obtained.

An Inquisition is *prima facie* evidence of insanity, and may be read in proof of it; but it is not conclusive as to the fact. It may be quashed for uncertainty in the terms of its finding, or for any irregularity in the mode of taking it, and a new Commission, there being no *melius inquirendum* in lunacy, issued.†

If the verdict be that the party is a "lunatic," it seems to be no objection that it does not state that he has or has not lucid intervals.‡

* 1 Hen. 8, c. 8; and 3 Hen. 8, c. 2.

† *Re Parkinson*, Jacob., 333; *Prodgers v. Frazier*, 1 Ves., 9; *Sergeson v. Sealy*, 2 Atk., 412; *Ex parte Roberts*, 3 Atk., 5; *Re Barnsley*, 3 Atk., 168; *Re Bruges*, 1 Myl. and C., 276; *Re Holmes*, 4 Russ., 182; *Re Cranmer*, 12 Ves., 445.

‡ *Ex parte Wragg and Ferne*, 5 Ves., 450.

CHAPTER III.

REFERENCE OF THE SUBSEQUENT PROCEEDINGS TO THE MASTERS.

SECTION I. *Inquiries as to Heir-at-Law and Next of Kin, Committees, Property, Maintenance, &c.*—II. *Inquiry as to Debts due from the Lunatic, and Mode of Payment.*—III. *As to the Master's Report on these Inquiries.*

SECTION I.—*As to Kindred, Property, Maintenance, Committees, &c.*

THE alleged lunatic having been found to be incompetent to the management of himself and his affairs, the matter of the lunacy becomes, by virtue of the Eleventh of the General Orders, of November, 1853 (*See Appendix*), referred to the Masters in Lunacy, jointly and severally; but the Master executing the original Inquiry usually retains the direction of the subsequent proceedings in such lunacy.

Reference to
Masters.

To enable the Master to proceed with these inquiries, which he does immediately after the Inquisition, a state of facts and proposal (*the form of which is given in the Appendix*) is usually laid before him, setting forth the Inquisition and verdict, and a pedigree showing who are the heir-at-law and next of kin of the lunatic,* and stating also what are his situation, age, and residence, and the nature of his lunacy, and who are proposed as committee or committees of his

Inquiries as
to heir-at-
law, next of
kin, com-
mittees,
property,
mainten-
ance, &c.

State of
facts and
proposal.

* As to the interests and equities of the next of kin and heir, see 1 Ves., 453; 2 Ves., 66, 170, 260, 271; 19 Ves., 118; 3 B. C. C., 510; 4 B. C. C., 331, 396; 1 Dick, 16, 45, 322; Ambler, 370, 706; 2 Vern., 192; 2 Atk., 412; 1 Jac. and W., 640; 4 Myl. and C., 440; and *re Leeming*, L. J. Rep., Vol. 30, N. S. Ch. 263; and see also Act 17 and 18 Vic. cap. xiii.

Lunatic's
main-
tenance.

person and estate; also of what his fortune and income consist, and what should be allowed for his past and future maintenance. In fixing the allowance for maintenance the first care is the comfort of the lunatic, who is to have everything which his circumstances will admit of. The next of kin and expectants are not to be considered.* It should also be stated whether there are any debts due from the Lunatic; and if so, what are their nature and amounts, to whom they are due and owing, and in what way and out of what funds it is proposed to pay them.

Evidence in
support.

The Master will usually, when it is found convenient, on being furnished with evidence, either *vivâ voce*, or by affidavit, in support of such state of facts and proposal, at once proceed with the inquiry as to property, maintenance, Committees, &c. Before approving of Committees, he must receive from the persons proposed, an assurance in writing of their willingness to act; and, in the case of a Committee of the person, to visit the Lunatic, at least once in every three months, or at such other fixed periods as may be required, and, in the case of a Committee of the estate, to give such security as may be required for accounting for the Lunatic's property. (*See consents in Appendix.*) In cases where the parties are not prepared to proceed with these inquiries immediately after the Inquisition, or the heir-at-law and next of kin are not then represented before the Master, he will receive such evidence (*vivâ voce* or otherwise) as may be tendered; and the further evidence and inquiries will be completed when the heir-at-law, and next of kin are subsequently represented before him.

The Masters, in the various proceedings before them, are empowered to take the evidence which may be required orally, or partly orally, and partly by affidavit (*Act, 1853, Sec. 55*); and may administer an oath to a witness, whether his deposition or affidavit is to be used before themselves or not. Witnesses also, in certain cases, may be cross-examined orally before the Masters. (*Act, 1853, Sec. 60.*)

* *Re Chumley*, 1 Ves., 296; *Dormer's case*; 2 P. Wms. 262; *Baker, ex parte* 6 Ves., 8.

In order to give better effect to the 55, 56, and 60 *Sec.* of the Act, 1853, respecting the attendance of witnesses before the Masters, it is enacted by *Sec.* 18, of the Lunacy Regulation Act, 1862, that "the Masters may in the matter of any "lunatic or alleged lunatic compel by summons the attendance of any person to give evidence before them, whether "such person has or has not previously given evidence by "affidavit; and every person so summoned shall be bound "to attend as required by the summons, and give evidence "before the said Masters, in like manner as is provided by "the 60th section of the said Act in the case of persons who "have given evidence by affidavit."

The provisions as to affidavits in Chancery are extended to those in Lunacy. (*Sec.* 57 to 59.)

With respect to the persons to be proposed as Committees, the heir-at-law, if desirous and qualified to act, has the preference as Committee of the *estate*; and the proposal of the next of kin, as to the Committee of the *person*, receives the first attention. Relations are preferred to strangers, unless there is some specific objection to them, the former rule of excluding them on the ground of interest, being now disregarded.*

The Committee must reside within the jurisdiction of the Lord Chancellor.†

Persons capable of visiting the lunatic are sometimes preferred as Committees.‡

The petitioners for the Inquiry, or those having the carriage of it, though entitled to make proposals for the appointment of Committees, are not necessarily entitled to any preference as to such appointment.§

The object, however, is to appoint the person or persons who may be expected to make the best provision for the care and comfort of the lunatic, and the protection of his property.||

* *Re Cockayne*, 7 Ves., 590; *re Le Heup*, 18 Ves., 221; 1 Coll., 214; *re Watkins*, 1 Coop., T. L. C., 225; *Dormer's Case*, 2 P. W., 262; *Neal's Case*, 2 P. W., 544; *Ex parte Ludlow*, 2 P. W., 635; *re Seaman*, 1 Coll., 207, 214.

† *Ex parte Ord re Shields*, Jac., 94. ‡ *Re Errington, Jac.*, 404.

§ 1 Vern., 262.

|| *Ex parte Webb*, 2 Phill., 116.

A Master, or other officer of the Court, is not eligible as Committee or Receiver of the lunatic's estate.*

Married
woman.

Accounting parties and Solicitors in the matter† are objected to as Committees of the estate; and it is not desirable that a married woman should be proposed as Committee of the estate, unless her husband can be associated with her in the Committeeship.

In a case where a married woman living apart from her husband, was Committee of the person, the Court refused to pay the allowance to her upon her separate receipt, without an undertaking for the due application of the money. The Solicitors having given such an undertaking, the order was made as desired.‡

Advertisements for
kindred.

Under the 61st Section of the *Act*, 1853, the Masters are to be at liberty to cause to be issued, from time to time, such advertisements as may to them seem expedient, with reference to the subject-matter of a proposal or inquiry; and when such advertisements become necessary, two are given out, the second of which is peremptory. These advertisements are inserted in the *London Gazette*, in the usual way, and in such other London and provincial papers as the Master thinks advisable. There is usually an interval of a month or six weeks between each advertisement. (*See Forms of these in Appendix.*)

Inquiry
where ex-
emption
from fees,
&c.

Where the Lord Chancellor exempts the property of a lunatic from fees and per-centage, the Masters are not, during the exemption, to inquire as to the kindred without special order. (*Act*, 1853, *Sec.* 76.) The Lord Chancellor is also, in certain cases, empowered to defer or limit an Inquiry as to kindred (*Sec.* 77), and to dispense with their attendance on the proceedings. (*Sec.* 80.)

Limited
Inquiry.

Where the Masters should consider, by reason of the smallness of the property, or for any other reason, that an Inquiry as to kin should be dispensed with, or deferred, or limited, they are to report accordingly. (*Sec.* 78.) And they are also at liberty, in certain cases, to dispense

* *Ex parte Fletcher*, 6 Ves., 426.

† *Ex parte Pincke*, 2 Mer., 452.

‡ *Re Edwards*, 2 Mac. and Gor., 134.

with strict proof of pedigree, and to take such evidence as to it as may be satisfactory to them, certifying their mode of conducting the Inquiry. (*Sec. 79.*)

By the 81st Section of the Act, it is required that the Masters determine which of the next of kin are to attend before them, and such kin only are to attend before them and the Lord Chancellor, except upon special leave first obtained in either case. "The principle which leads the Court "to call for the next of kin, and the heir-at-law of lunatics, "is to receive from the persons probably entitled that assistance in the protection of the property which persons "having such expectant rights will be likely to afford, but "the Inquiry is not considered to be binding."*

Fixing kin to attend the proceedings.

The Masters are also empowered to appoint a guardian to an infant next of kin, to whom they have given liberty to attend upon the proceedings (*Sec. 82*); and, in the case of several members of the same family, they are at liberty to consolidate the proceedings. (*Sec. 83.*)

The Masters usually, on their first report in a matter, fix who of the kin shall appear on all subsequent proceedings; but if from any cause they have not done so, or the kin or circumstances become altered, and the step is required, a summons is taken out and served on all parties; and upon their appearing before the Master, or having been served, but not appearing, he determines which of the next of kin shall thereafter attend. The next of kin who are so excluded may, if they think fit, appear before the Master, at their own costs; and must, if they so desire, still be served.

The Masters generally arrange that there shall be, besides the Committee, only one attendance for the kin; and, where there is real estate, one attendance for the heir.

By the 22nd General Order, the Masters are at liberty, in certain cases, to admit strangers† to attend before them; and by the 23rd General Order, they are empowered to

Strangers may attend.

* *Ex parte Clarke re Duchess of Norfolk*, Jac., 589. See also *ex parte Whitbread re Hinde*, 2 Mer., 99; *Tharp v. Tharp*, 3 Mer., 510.

† *Vide re Webb*, 2 Phill., 116.

direct in what way the several parties shall, by their Solicitors, appear before them.

Attorney-
General.

Where there are no kindred, notice of the proceedings subsequent to the Inquisition should be given to the Attorney-General, as also in cases of idiocy.*

Subject to the provisions of the Act and Orders, the Masters may dispense with and regulate the return of summonses before them as they may see fit. (*Act*, 1853, *Sec.* 86, and see *Sec.* 75—83.)

Provision for
family.

It is sometimes necessary to make provision for a member of the lunatic's family, other than his wife and children. This is done either by order, or by the Master's report confirmed by fiat, or by a report and order upon a previous reference from the Court. In the latter case, the Inquiry directed is sometimes in the following terms:—"Whether it will be fit and proper, having regard to the circumstances and estate of the said lunatic, and the circumstances and situation of [*the relative*], that any and what sum per annum should be allowed to him out of the income of the estate of the said lunatic, for his better maintenance, and support, and from what time such allowance (if any) should commence."

Where a parent was of ability to maintain his lunatic son, a charge on the expectant estate of the son, in respect of his maintenance, was refused to the father, under the *Act*, 1853, *Sec.* 116.†

In a case where allowances had been made to various members of the lunatic's family, Lord Chancellor Cottenham said, "This case was not to be drawn into a precedent; for I think this liberality out of the lunatic's estate to collateral relatives, whom he is under no obligation to support, has been carried too far. I remember Lord Eldon being very reluctant to allow it to any extent. The practice has been greatly extended since his time, and I wish it to be understood, that on another occasion, I shall not carry it so far as it has been carried in this instance."‡

* *Re Early*, 2 Coop., T. L. C., 108. *Ex parte Watson*, Jac., 161.

† *Re Pugh*, 3 De Gex, M. and G., 416.

‡ *Re Clarke*, 3 Phil., 282.

Provision for a daughter of a lunatic on her intended marriage, was made out of the lunatic's income and estate, the annual allowance to be settled to her separate use, and a proper settlement to be approved by the Master to be made of any fortune to which she might become entitled as one of the next of kin of her father.*

The principle adopted by the Court in making allowances to the members of the lunatic's family, is to do that which it is supposed the lunatic would have done, if sane.

In another case upon an application by a member of the lunatic's family for an allowance out of his estate, the Lord Chancellor said, "For a long series of years the Court has been in the habit in questions relating to the property of the lunatic, to call in the assistance of those who are nearest in blood, not on account of any actual interest, but because they are most likely to be able to give information to the Court respecting the property, and are concerned in its good administration. It has, however, become too much the practice, that instead of such persons confining themselves to the duty of assisting the Court with their advice and management, there is a constant struggle among them to reduce the amount of the allowance made for the lunatic, and thereby enlarge the fund which, it is probable, may one day devolve upon themselves. Nevertheless, the Court has nothing to consider but the situation of the lunatic himself, always looking to the probability of his recovery, and never regarding the interest of the next of kin. With this view only in cases where the estate is considerable, and the persons who will probably be entitled to it hereafter are otherwise unprovided for, the Court, looking at what it is likely the lunatic himself would do, if he were in a capacity to act, will make some provision out of the estate for those persons.....The Court does nothing wantonly or unnecessarily to alter the lunatic's property, but on the contrary takes care, for his sake, that if he recovers he shall find his estate as nearly as possible in the same condition as he left it, applying the property in the meantime in such a manner as the Court thinks it would have been wise

* *Re Drummond*, 1 Myl. and C., 627.

and prudent in the lunatic himself to apply it in case he had been capable.....The principle is, not because the parties are next of kin of the lunatic, or as such have any right to an allowance, but because the Court will not refuse to do, for the benefit of the lunatic, that which it is probable the lunatic himself would have done."*

And in another case allowances were made to a lunatic's nephews, but Lord Chancellor Cottenham said in making them that "the practice (of making such allowances) however was one which could not be regarded with too much caution."†

An application by a cousin *ex parte* Maternâ, being one of the next of kin of a lunatic, for an allowance out of the lunatic's estate was, the other kin assenting, granted in the special circumstances of the case, upon the understanding that all advances made were to be set off against any share of the lunatic's estate ultimately coming to the cousin in the event of his surviving the lunatic. The costs of the application were also allowed out of the estate.‡

SECTION II.—*Inquiry as to Debts due from the Lunatic, and mode of Payment.*

Debts and
advertising.

When such an Inquiry becomes necessary, the Master (under General Order 13) issues an advertisement, (*Act*, 1853, *Sec.* 61), and directs it to be inserted in the *London Gazette*, and other London and Provincial papers, in the mode already pointed out at page 20.

The comfort of the lunatic being the first consideration with the Lord Chancellor, the Inquiry as to debts does not in general take place until after maintenance is fixed.

This does not, however, apply to Mortgages, and other debts carrying interest, which must interfere with the income, and with reference to which the sum for maintenance is fixed. If the simple contract debts were also stated to be of large amount, though they had not then been strictly

* *Ex parte* Whitbread, in *re* Hinde, 2 Mer., 99. † *Re* Blair, 1 Myl. and C., 300.

‡ *Re* Croft, L. J. Rep., vol. 32, N. S., 481, ch.

proved before the Master, it would probably be considered in fixing the amount of maintenance, or provisional maintenance only would be approved of.

The proofs of debts are made either by the *viva voce* ^{Mode of proof.} examination of the creditors, or by affidavit.

The Master is furnished with a copy of the creditor's bill, and evidence that the debt is due, that the creditor has no security, and that the charges are fair and reasonable.

The proofs can, in London cases, be taken by *viva voce* ^{Viva voce proof.} evidence, and it is particularly desirable that they should be so taken, where there are many small debts, and especially in small estates. The mode of proceeding in such cases is this: The Solicitor having the carriage of the Inquiry (and who has communicated with each creditor previously), takes out a summons before the Master upon the proofs, and gives notice of it by letter to each creditor. The creditors attend in person at the office of the Masters, and are sworn. They produce their bills, and the Master takes down in writing the evidence as to the existence and fairness of the debt. The Solicitor for the Committee is in attendance, and, having previously seen the bills, makes his observations upon them.

If a debt be proved by affidavit, the creditor leaves at the Master's office the affidavit, with a copy of his account annexed, showing the debt to be due, that he has no security, and that the charges are fair. He takes out a summons, which is served upon the parties appearing on the proceedings, and the creditor's right of proof is considered by the Master in the usual way. Each creditor proving in this ^{Proofs by affidavit.} method is usually allowed 1*l.* 15*s.* for his costs of proof, ^{Costs of proof.} which sum is added to the amount of his debt.

No formal charge is left in either way of proof.

Enlarged powers are now given to the Lord Chancellor for ^{Mode of payment of debts.} providing a fund, as well for the maintenance of the lunatic, as for the payment of his debts, and other purposes, by sale or mortgage of his estate (*Act*, 1853, *Sec.* 116, and *Act*, 1862, *Sec.* 16) but *Sec.* 146 of the *Act*, 1853, declares that nothing in the *Act* shall extend to subject any part of a lunatic's

property to his debts, further than as the same is now subject thereto by due course of law.

Mortgage. In the event of a mortgage for the payment of the lunatic's debts being necessary, the Master reports accordingly, on being furnished with the requisite evidence, and settles the draft mortgage; and on the confirmation of his report, he signs and certifies his allowance of the mortgage, in the same manner as on the granting of a lease of the lunatics' estate.

Sale. If a sale of any part of the lunatic's estate for the payment of his debts should be necessary, the Master, on being satisfied by proper evidence, reports accordingly; and, on the confirmation of his report, such proceedings are taken before him or otherwise, as may be directed by the Special Order in the particular case, or the General Orders [*vide General Order 56, of Nov., 1853*]; and in many respects these proceedings are similar to those relating to leases and mortgages of the lunatic's estate.

If on a sale of the lunatic's real estate any question should arise as to the nature of his interest, the proceeds of the sale not being required for maintenance or other purpose, it would probably be directed, "That the sale and order be without prejudice to any question whether the interest of the lunatic in the property is to be considered real or personal estate."

It is important to provide for the payment of the debts of a lunatic, but if they are numerous, and large in amount, there is sometimes great difficulty in doing so, even by a sale or mortgage authorized as above-mentioned. It is not the practice of the Court to put the lunatic into a state of absolute want.*

A Commission of Lunacy will not protect the lunatic against an action, nor can the lunacy be a defence against Bankruptcy proceedings.†

* *Ex parte Hall, re Le Gard, Jac.*, 160; *Peters v. Grote*, 2 *Coo.*, T. L. C., 194; *re Adey*, 1 *Coo.*, 225; *ex parte Dikes*, 8 *Ves.*, 79; *ex parte M'Dougal*, 12 *Ves.*, 384; *ex parte Hastings*, 14 *Ves.*, 182.

† *Anon.*, 13 *Ves.*, 590.

Cases not unfrequently occur in which, after payment of debts or other charges, the lunatic's personal estate becomes so far diminished as to be inadequate to his proper maintenance, and it is therefore desirable to purchase an annuity for his life. Under such circumstances the Master inquires, or is sometimes directed by Special Order to inquire, "Whether the lunatic is capable of enjoying greater comforts and advantages than he now enjoys; and if so, whether the same can be secured for him by the investment of the whole, or any and what part, of the Bank Annuities, &c., in the purchase of an annuity for his life, either from Government, or from any and what office for granting annuities."*

Purchasing
annuity for
lunatic's
life.

SECTION III.—*As to the Master's Report on the preceding Inquiries.*

The Master having been satisfied on the subject of the Report. Inquiry before him by the production of proper evidence as to the Lunatic's kindred and property, and the several other matters referred to in the 11th and 13th General Orders of November, 1853, and having heard the observations on behalf of the different parties attending before him, draws his report, and (pursuant to the 96th Section of the Act, 1853) inserts in it the directions consequential on its confirmation.

By Section 93 it is enacted that "Any person objecting to a draft report of the Masters, and desiring to prosecute the objection, shall bring in before the Masters a statement of objections in writing, and thereupon the Masters shall be at liberty to review the draft objected to; and after review, or the refusal of the Masters to review, the person objecting may bring in before the Masters a notice in writing, stating that he insists on the objections, or any one or more of them; and all the objections not so

Objections
to report
may be
brought in.

* *Vide* Acts, 10 Geo. 4, c. 24; and 16 and 17 Vic., c. 45; *ex parte* Stonard, 18 Ves., 285.

"insisted on shall be considered as abandoned." And Section 94 enacts that,

No petition against confirmation, but objections to be brought forward on petition for confirmation.

"No person shall, except upon special leave of the Lord Chancellor intrusted as aforesaid first obtained, present a petition against the confirmation of a report, but in every case, on the hearing of the petition for confirmation of the report, any objections insisted on as aforesaid may be brought forward in opposition to the confirmation of the report, without any exceptions or cross petition."

Completion of report.

"No statement of objections to the report (*Sec. 95*) being brought in, or all the objections contained in a statement brought in being abandoned," the consequential directions (*Sec. 96*) are drawn, and the whole report (*Sec. 91*) is settled upon a summons for that purpose. A summons to sign is also taken out, and the report is then transcribed, and on being signed, it is filed by the Master's Clerk with the Registrar, as directed by Section 92.

If the evidence be complete, and all the parties be in attendance before the Master at the time of the Inquiry, the report may sometimes be drawn on the spot; and the parties being satisfied with the draft, it may be transcribed and signed and filed without any subsequent meetings.

Special report and delay in proceedings.

Should any delay arise in the making of the Master's general report, he may make a special report forthwith as to any particular point, *i.e.*, as to Committees, provisional maintenance, &c., completing the general inquiries at a subsequent period.

The Masters are, from time to time, to inquire into, and report upon any delay in the conduct of the proceedings before them (*Act, 1853, Sec. 87*).

They are also at liberty to report specially any decision at which they may arrive on any proceeding before them, in order to obtain the direction of the Lord Chancellor (*Sec. 90*); and may make such separate reports and certificates on any matter as they may think fit. (*General Order 24.*)

Form of reports.

The reports of the Masters (which, as well as their certificates, are to be filed with the Registrar,) are directed

to be divided into paragraphs, and numbered with such appropriate headings, &c., as may be convenient (*Act*, 1853, *Sec.* 91, 92).

If the purchase of a Government Annuity, which is that Purchase of life annuity. usually approved of, should be directed (see page 27), a contract must be duly entered into by the Committee with the Government Annuity Office, on proof of the Lunatic's age and other necessary particulars. The contract and fiat or order are lodged, with the office copy affidavit of the amount of stock necessary to be transferred for the purchase of the Annuity (if the direction be by fiat, or with the Registrar if by order), with the Master, who issues the usual certificate directing the transfer by the Accountant General. All these papers are subsequently left by the Solicitor with the Accountant-General, who makes the transfer accordingly, for the purchase in the name of the particular Lunatic of the Annuity, which is from time to time paid to the Committee of the Estate.

CHAPTER IV.

AS TO THE CONFIRMATION OF THE MASTER'S REPORT.

THE Report of the Master on being filed is, in ordinary cases, submitted for confirmation to the Lord Chancellor, by the Registrar, pursuant to Section 95 of the Act, 1853, which enacts—"That the Report shall be submitted to the Lord Chancellor, intrusted as aforesaid, for confirmation, without petitioner, and without the attendance of parties, except where from the special nature or circumstances of the case the Masters are of opinion that the report ought to be brought before the Lord Chancellor intrusted as aforesaid by petition, and by endorsement on the report under their hands shall so direct accordingly."

Reports not objected to may be confirmed without petition.

Fiat.

Where the Report contains consequential directions, and is confirmed by fiat, such fiat is endorsed on the Report, and signed by the Lord Chancellor or Lords Justices; and on being entered, as directed by Section 100, an office copy of the Report and fiat is delivered by the Registrar, impressed with his official seal, to the Solicitor. Office copies thus prepared are acted upon by the various officers of the Court, and the Bank of England. (*Sec. 101.*)

Petition.

Should the Master, however, consider that the matter should be taken to the Lord Chancellor by petition, and he so directs by endorsement on the Report, the Solicitor must prepare the petition accordingly. This petition is presented at the office of the Registrar, and on being answered in the usual form, is set down for hearing on the next day of petitions. Two clear days must elapse between the day of the presentation of a petition, and the day of hearing.*

Hearing.

* As to the case to be first opened on the hearing of an opposed petition, see *Re Townsend*, 1 Phill., 804; *re Bariatinski*, 1 Phill., 442.

Special leave of the Lord Chancellor or Lords Justices must be obtained for hearing a petition on any other day than the usual petition day.

Copies of the petition so answered must be served by the Solicitor presenting it, on the Solicitors for the several next of kin, or on those to whom liberty is given by the Master to attend upon the proceedings. Service of petition.

Where an order is made on a petition presented for the confirmation of a report, the briefs of counsel for the several parties are left with the Registrar, who prepares the minutes of the order, of which copies are taken by the parties, and the Registrar appoints a time for settling them. The Solicitor having the carriage of the order (as to form of which see *Act*, 1853, *Sec.* 98) gives a notice of such appointment to the other parties. Order confirming report.

When the minutes are settled, the order is engrossed by the Registrar, and signed by the Lord Chancellor, or the Lords Justices. The original order thus signed is entered by the Registrar in books provided for the purpose (*Sec.* 100), and afterwards delivered to the Solicitor to be acted upon by the various officers of the Court.

The petition must be filed before an order thereupon can be passed. (*Sec.* 98.)

In all cases of transfer of stock, &c., into Court in Lunacy, the same proceedings have usually to be taken by the Solicitor in the office of the Accountant-General (who now acts upon office copies of documents furnished by the Registrar in Lunacy), and at the Bank, and in the office of the Bank Solicitor, as on the like matters in Chancery; and the Accountant-General, on accepting such transfers, pursuant to the 49th General Order of November, 1853, declares the trust thereof subject to further order. Transfers into Court.

The Bank, however, who are indemnified for all that they may do under the *Act* (*Sec.* 142—144), require that any order or fiat under which they act should be filed with them. An office copy must, therefore, be obtained from the Registrar for this purpose. Bank indemnified.

Orders entitled in both a Suit and Lunacy, are drawn up

in duplicate, and are still filed in Chancery and Lunacy, as formerly.

Orders communicated to Masters.

Pursuant to Section 99, Act, 1853, every Order is now communicated by the Registrar to the Masters, whether any matter is thereby referred to them or not.

Any person forging the signature or seal of the Registrar is guilty of felony. (*Sec. 102.*)

CHAPTER V.

AS TO THE COMMITTEE'S SECURITY.

SECTION I. *Nature and Amount of Security.*—II. *Sureties for the Committee.*—III. *Fixing Time for perfecting Security.*—IV. *Approval of the Security, and Grant of Custody.*—V. *New Sureties for a Committee or Receiver.*—VI. *As to Reducing and Discharging Committee's previous Security.*

SECTION I.—*Nature and Amount of Security.*

THE order or fiat being completed, the Committee of the estate must give the usual security, which cannot be dispensed with,* within a time limited by the Master. Security of Committee.

The first consideration for the Solicitor is the amount for which security is to be given. This it is, of course, desirable should be confined to the lowest sum that the circumstances of the estate will justify. And as almost every kind of Stock, whether in the Public Funds, or in any Railway or other Company, which is transferable in books (*vide Act, 1853, Sec. 2 and 140*), can now be taken into Court,† he should, either under the order of the Lord Chancellor, or the Master's certificate (*Act, 1853, Sec. 65*), procure the transfer of as much as possible of the Lunatic's estate which might otherwise come into the hands of the Committee. He should also ascertain whether any part of the estate (such as railway or other shares), could be placed beyond the control of the Committee by any order of the Lord Chancellor, or the certificate of the Master, or by any other arrangement; and act accordingly. Amount of security.

It frequently happens that outstanding money, or stock

* *Re Frank*, 2 Russ., 450. † *Re Ives*, L. J., N.S., vol. 32, 673.

belonging to the Lunatic, in the names of trustees, can be immediately carried into Court; and as the Master has now the power (as mentioned above) to issue a certificate for such purpose, it may be desirable, in some cases, to obtain such certificate before the completion of the Report.

Form of
security by
bond with
two sureties.

The form of security is a joint and several bond to the Crown (*See Forms in Appendix*) from the Committee, and two or more sureties (two being always required). But in a very special case the security of the Committee alone, may, under the order of the Court, be taken. The penalty of the bond, which is in the nature of a Crown debt,* is usually double the amount of the annual income of freehold, copyhold, and leasehold estate, when the income amounts to 250*l.*, and treble if the income be under that sum; and in either case, the penalty extends also to double the amount or value of any personal estate which the Committee may be in a situation, as Committee, to receive.

Furniture,
&c.

If any part of the income arising from the property transferred or paid into Court can be received by the Committee of the estate, the security must cover such income. If there be no property but what is in Court, and the allowance for maintenance be ordered to be paid by the Accountant-General to the Committee of the *person as such* without passing through the hands of the Committee of the estate, his security is reduced by that amount;† or if he receive nothing, the security required from him is only nominal, namely, for 100*l.*, being, in fact, a penalty for enforcing his obedience to the orders of the Lord Chancellor. Where also the household furniture and effects are allowed to be used by the Committee of the *person* on behalf of the lunatic, the Committee of the estate gives no security for their value; but the Committee of the *person* lodges in the Master's office an inventory and undertaking to deliver them up, pursuant to the 40th General Order (1853).

Reversionary property of the lunatic is also included in the amount of the security, unless by written notice given to trustees or others, it can be arranged that such property

* *Regina v. Chambers*, 11 Mee. and Wel., 776. See also *Re Lockey*, 1 Phill., 509.

† *Re Burton*, *ex parte Mount*, 21 L. J., 221 Ch.

shall not be dealt with by the Committee, except under the special order of the Lord Chancellor.

The security required of the Committee of the estate may be further reduced by depositing in the Masters' Office any securities, belonging to the lunatic,* as mortgage deeds, shares, bonds, bills or notes, or policies of life assurance, &c., so as to deprive the Committee of the power to receive the amounts secured. On this being done, the Committee is required to give security for the income only of such securities.†

Depositing
deeds, &c.,
in order to
reduce se-
curity.

If instead of giving security by bond, an approved Committee should be desirous of bringing into Court an adequate sum of his own money or stock, the Masters are authorized (Act, 1853, Sec. 64) to adopt such mode of security, and to direct (which they do by certificate) the payment of the dividends on the stock so transferred, or purchased, to the party or parties making the transfer.

Security by
transferring
fund of Com-
mittee into
Court.

Where a Receiver is appointed, as well as a Committee of the estate, the latter is restrained from receiving any part of the lunatic's estate, and usually gives only nominal security.‡

Security
where a
Receiver.

SECTION II.—*Sureties for the Committee.*

Two sureties are required, and more are not allowed, unless, where there are two or more persons joined as Committees of the estate, and the same sureties are unwilling to become bound for both or all the persons named as Committees: in which case there may be two sureties for each Committee; but each surety must be bound in the amount of the total penalty.

If, however, the penalty be of a very large amount, the Committee is allowed to have more than two sureties, who enter into several bonds in penalties, the total amount of which equals the whole penalty required, the Committee joining in each bond. In this case each surety justifies in

* *Vide* subsequent Chapter as to the Deposit of Deeds, &c.

† *Re* Eagle, 2 Phill, 201.

‡ *Re* Billingham, Amb., 104.

the sum for which he is bound. In other cases the sureties justify in such two sums, not very disproportionate to each other, as they may agree upon, the amount of the penalty being made up between them.

The Committee of the *person* does not give security, and will not be accepted as a surety for the Committee of the estate.*

An accounting party will not be accepted as a surety for the Committee of the estate. Nor are persons residing in Scotland or Ireland, or elsewhere out of the jurisdiction of the Lord Chancellor, eligible as sureties.

Sureties can only be dispensed with under the express order of the Court. Such an order is in a very special case sometimes obtained, and is in these terms, "That the Masters in Lunacy be at liberty in settling the security to be given by the said (*Committee*) as such Committee of the estate of the said (*Lunatic*) to accept and take the security of the said (*Committee*) alone."

The bond and affidavits are prepared in the office of the Masters (*See forms in Appendix*). To obtain them the Solicitor should attend with the office copies of the Master's Report as to the Lunatic's property, &c., and of the order or fiat confirming such Report, and a minute (*See form in Appendix*) of the names and descriptions of the proposed sureties, the names and addresses of the Committees of the person, and of the estate, and the then residence of the Lunatic. If no objection be made to the proposed sureties, the bond and affidavits are forthwith prepared and delivered out to the Solicitor. There is no formal proposal of the sureties, as for receivers in Chancery, or Lunacy, the Masters taking the Security in lieu of the Attorney-General, as the representatives of the Crown. (Lun. Reg. Act, 1853, Sec. 62.)

Execution
of bond.

The execution of the bond must be attested by two witnesses, one of them duly verifying such execution by affidavit; and the bond must be marked as an exhibit to each, where there is more than one, affidavit of execution.

* *Re Burton, ex parte Mount*, 21 L. J., 221 Ch.

SECTION III.—*Fixing Time for perfecting Security.*

If the security cannot be completed immediately after the date of the order* (or fiat) confirming the Report, application should be made to the Master on the subject, and, if necessary, a summons to fix the time within which the security shall be completed (*vide 36th General Order, 1853*) should be taken and served in the usual way upon the Solicitor for the next of kin attending. At the return of the summons, if satisfactory reasons be given, and the Master be assured that the Committee approved of is really proceeding with due diligence to complete the security, such time is fixed by him as the circumstances may require, the usual time allowed being three weeks or a month.

SECTION IV.—*Approval of the Security, and Grant of Custody.*

The bond of the Committee and his sureties,* when duly executed, is returned by the Solicitor to the office of the Masters, by whom, in lieu of the Attorney-General, it has to be approved on behalf of the Crown.† The Master signifies such approval by endorsement on the bond, and by a certificate of the completion of the security, which gives to the order of the Lord Chancellor the effect of a grant. This certificate is filed with the Registrar, who prepares an office copy on the Solicitor's bespeaking it. The bond and affidavits remain deposited with the Masters.

The order (or fiat) confirming the Report operates immediately as a grant of the custody of the *person*; but the appointment of the Committee of the *estate* is not complete until the Master's certificate of the completion of the security is signed and filed (*General Orders, 1853, 36, 53, and Act, 1853, Sec. 63*).

In the event of the marriage of a lady appointed Com-

* As to liability under the bond, see *re Lockey*, 1 Phill., 509.

† *Vide Lun. Reg. Act, 1853, Sec. 63, 65.*

mittee of the Estate subsequently to her appointment, and to whom, as such Committee, dividends have been directed to be paid by the Accountant-General, the Lord Chancellor, before making a new order, which is necessary in such a case for the payment of the dividends, requires to be satisfied, by proper evidence, of the respectability of the husband.

Committees who are responsible to the Lord Chancellor only for the fulfilment of their duty,* are not allowed any salary or commission for their trouble, except under very peculiar and special circumstances.† Nor must they make a gain of the care of the Lunatic.‡

Committee
ad interim.

Where a Committee, *ad interim*, is appointed (which is now very seldom done), he gives security by recognizance, prepared and allowed by the Master, and enrolled in Chancery, as in a receivership; and on the completion of the security, the Master gives and files a certificate, by which the appointment of the Committee, *ad interim*, is perfected, no grant of custody being made in such cases. (See forms in Appendix.)

The power of a Committee is said to be that of a Bailiff,§ and the control of the Court over him is not determined by the death of the Lunatic.||

Grant of
custody.

The custody of an Idiot cannot be granted to a Committee, his executors, &c.¶

Nor can the custody of a Lunatic be devised by his father or other relative.**

And a grant of the custody without an account is void.††

Where there were separate properties of a Lunatic in distant parts of the country, separate Committees were, under the peculiar circumstances, appointed for each.‡‡

* *Ames v. Parkinson*, 2 Phill., 388.

† *Ex parte Fermor*, *re Errington, Jac.*, 404; *Anon.*, 10 Ves., 103; *re Annesley*, Amb., 78; *re Westbrook*, 2 Phill., 631.

‡ *Lady Cope's Case*, 2 Ch., Cas. 239.

§ Vin. Abr. Tit. Lunatick, &c., Vol. 15, p. 131; *re Fitzgerald*, 2 Sch. and Lef., 439; *Winthrop v. Winthrop*, 1 Co., T. L. C., 196.

|| 2 Sch. and Lef., 441; *re Wyld*, 5 De G. M. and G., 25.

¶ *Prodgers v. Frazier*, 1 Vern., 9.

** *Ex parte Ludlow*, 2 P. Wms., 635.

†† *Dormer's Case*, *Sheldon v. Fortescue*, 3 P. Wms., 104.

‡‡ *Re Robins*, 2 Russ. and M., 449.

SECTION V.—*New Sureties for a Committee or Receiver.*

The 18th General Order (1853) requires "The Committee ^{Fresh security.}
 " of the estate on each occasion of passing his account, and
 " also whensoever the Masters may so require, to satisfy
 " the Masters that his sureties are living, and that neither
 " of them has been declared bankrupt or insolvent; and
 " in default thereof, the Masters are to require him to
 " enter into fresh security within such time as they shall
 " fix." And the 21st Order directs as follows: "The
 " Masters are from time to time in each of the cases follow-
 " ing without special order, to inquire and report whether
 " or not it is expedient that a Committee of the person,
 " or of the estate, should be appointed, and if so, who is
 " the most fit person to be appointed: that is to say, (*inter*
 " *alia*)."

" On default of a person approved to be Committee of the
 " estate in duly perfecting his security."

" On default of a Committee of the estate in duly perfect-
 " ing a fresh security when required by the Masters."

If a surety die, or become bankrupt or insolvent, a new surety is required, and the Master, on a summons taken out for that purpose, and having proof of the death, &c., of the surety, fixes the time within which the Committee (or receiver appointed as subsequently mentioned) shall enter into fresh security.

New sureties, or a new surety with the old one, are then ^{New security.}
 named, and (if necessary) evidence furnished of the state of
 the Lunatic's property, with a minute of the names,
 addresses, &c., of the several parties. A new security and
 affidavits are then prepared and executed by the Com-
 mittee and both sureties, and the completion certified in the
 same way as upon the original appointment of a Committee
 or receiver.

SECTION VI.—*As to Reducing and Discharging Committee's previous Security (vide General Orders of 1853, 19, 45, 46).*

Reducing
Committee's
security.

If it be desired to reduce the amount of the Committee's security already given, which, under the 19th General Order, the Master is at liberty to do, the amount and particulars of the Lunatic's fortune, and the change of circumstances which has occurred, must be shown to the Master; when, if he be satisfied that the security can properly be reduced, he will fix the amount accordingly. A fresh security is then prepared and completed in the mode already pointed out.

There is no express provision with reference to a Committee giving any increased security on the Lunatic's becoming entitled to additional fortune;* but it is probable that the Master would, if the Lunatic's property required it, call for fresh security, or report the circumstances to the Lord Chancellor.

The bond or security of a Committee cannot be discharged except under the circumstances above mentioned. Sureties therefore seeking to be relieved from their liability, can only obtain such relief by the express order of the Court.†

Where a fresh security is entered into to the satisfaction of the Master, the former security can be discharged. (*General Orders*, 1853, 45, 46.)

Discharge
of security.

But if the accounts of the Committee have not been very recently passed, it may be necessary, before the security can be discharged, to pass the account to a day immediately antecedent to such discharge, to be fixed by the Master; and in this event the usual proceedings (as in other cases) must be taken.

* *Vide re Pereira*, 2 Ves., 674, and 1 Coll., 264.

† *Re Bull*, 2 Co., T. L. C., 68.

CHAPTER VI.

PROCEEDINGS AS TO MANAGING THE LUNATIC'S ESTATE, AND SPECIAL ORDERS OF REFERENCE.

SECTION I. *Management generally.*—II. *As to Letting the Lunatic's Estate.*—III. *Special Orders of Reference, &c.*

SECTION I.—*Management generally.*

THE Masters, under the provisions of the Lunacy Regulation Act, and the General Orders of 1853 are empowered, without any Special Order of the Lord Chancellor, in each case, to enter upon the necessary inquiries, and to receive any proposal touching any matters relating either to the management of the person or property of the Lunatic, and as to which attention may usefully be given to Sections 69 to 74, and from 108 to 146, of the Act of 1853; and Sections 16 and 17, of the Act 1862; and General Orders 13, 14, 24, and 34, of November, 1853; all of which refer, more or less, to the management of the Lunatic's estate, and the proceedings consequent thereon.

The principle involved in the Act and Orders would seem to be, that in every case where the Lord Chancellor, if applied to in the first instance, would refer the matter to the Master, the application should be first made to him for his report; and, that application should be made to the Lord Chancellor in the first instance, in cases only where it clearly appears that the order required would be made without a reference.

In the steps to be taken from time to time as to the property and the management of it, the Committee of the estate has first to consider, and, if necessary, be advised to what extent he is at liberty to act on his own judgment,

and what are the steps for which he requires the sanction of the Lord Chancellor.* Should such sanction be required for any particular act proposed to be done, then the Committee's proper course is to apply to the Master for directions and for his report, if it be a case where the Lord Chancellor, if applied to, would refer the matter for the consideration of the Master. If the case be not of this nature, the application should be made directly to the Lord Chancellor. (See also "Duties of Committee of Estate," post.)

Application
to the Court
or Master.

Should the application be to the Master, a state of facts and proposal is to be laid before him, stating shortly the facts, and what it is proposed to do, and the mode of effecting it, with evidence showing its propriety.

State of
facts.

An appointment is made on summons to consider the proposal, when the Master will deal with it as he may see fit. If he deem it necessary to report upon it, his report will either contain the consequential directions, and be confirmed by fiat, or be sent to the Lord Chancellor by endorsement for hearing on petition, as the Master may direct (*Act*, 1853, *Sec.* 97). If, however, any inquiries are necessary which the Master considers that he cannot entertain without a special order of reference, or if he should think the Lord Chancellor would, without reference, make the order for the particular purpose required, or he should decline to enter upon the inquiry without such special order, he intimates this to the parties; and application may then be made by petition for the Lord Chancellor's sanction, according to the circumstances of the case (*Act*, 1853, *Sec.* 70, 71).

Proceeding
on facts.

Petition to
Court.

It should be observed generally, that the Committee cannot, in the management of the lunatic's estate, act upon his own responsibility. He cannot, for instance, of his own authority cut timber, or make improvements by drainage or otherwise, nor can he consent to an Act of Parliament for making a railway through the Lunatic's property, without

* *Vide re Brown*, 1, Mac. and Gor., 201; *re Langham*, 2, Phill., 299, 1 Co., T. L. C., 228.

the approval of the Court. But in certain special cases, he may appoint an agent to superintend the details of the management of the estate.*

Where timber is requisite for repairs, it may be cut, a Committee, who on the death of the Lunatic may become entitled to his estate, not being at liberty to lay out the Lunatic's personalty in the purchase of such timber.†.

The funds of a Lunatic cannot be invested in a private security, or mortgage, except under very peculiar circumstances.‡

If any deeds relating to a Lunatic's estate should have been deposited in Court, the Committee, in order to obtain them, must show that they are necessary for the due administration by him of the estate of the Lunatic.§

The nature of the property of the Lunatic is never changed, nor the succession to it affected by the proceedings in the Lunacy.|| And a Committee has no power to alter it, nor to invest the savings of the estate in the purchase of land.¶ Nor can the Committee, who has an estate (the custody of the estate), but during pleasure,** encumber the Lunatic's estate without special order of the Court; and where a Committee had increased a mortgage debt upon a Lunatic's estate, the security was directed to be held for the original amount only.††

In the course of management of Lunatics' estates, questions not unfrequently arise as to the validity of the acts of the Lunatic, and of deeds, or other documents executed by him, in relation to his property, prior to the Inquisition, or as to certain dealings with it, or as to his liability under certain contracts or engagements into which

As to deeds,
contracts,
&c., of Lu-
natic.

* *Re Brown*, 1 Mac. and G., 201; *re Errington*, 2 Russ, 567.

† *Ex parte Ludlow*, 2 Atk., 406, 7; *Oxenden v. Lord Compton*, 2 Ves., 69, 260.

‡ *Ex parte Cathorpe*, 1 Cox., 132; *ex parte Ellice*, Jac., 234; *re Fust*, 1 Coo., T. L. C., 157.

§ *Re Cooper*, 1 Myl. and C., 33.

|| *Re Anandale*, Amb., 80; *re Grimstone*, Amb., 706; and other cases cited at page 3.

¶ *Audley v. Audley*, 1 Dick, 16.

** *Re Fitzgerald*, 2 Sch. and Lef., 438.

†† *Foster v. Merchant*, 1 Vern., 262.

he may have entered. In all such, or similar matters, it is desirable, especially where there is any doubt as to the proper mode of proceeding by the Committee, and in order also to avoid needless costs, to apply in the first instance to the Master, either on a special summons taken out for the purpose, or by submitting to him a state of facts, and proposed on the particular subject of investigation. The matter will then be proceeded upon and considered by the Master, who will deal with it in the way previously referred to, by report and evidence, or otherwise as may appear to him to be necessary.*

In the event of a Lunatic becoming entitled to the administration of an intestate's estate, such administration is usually granted to the Committee of the estate, or if there be no Committee, then to the Lunatic's next of kin, on behalf of the Lunatic.† And if necessary, the Court will, where the administration duty is of large amount, authorize the payment of it out of the fund in Court, direct to the Receiver-General of the Inland Revenue.

If a lease be renewed for the benefit of the Lunatic, the lease at the time of the lunacy having been made to some other person in trust for the Lunatic, it should be so continued; but if it were in the name of the Lunatic himself, then the new lease should be in his name also, and not in the name of the Committee.‡

SECTION II.—*As to Letting the Lunatic's Estate.*

Letting
estate.

It is the duty of the Committee, on his own responsibility, to let the lands and tenements of the Lunatic from

* Attention may perhaps be usefully directed to the several following cases, the principles involved in which relate more or less to the matters here referred to, viz.: *Attorney-General v. Parnter*, 3 B. C. C., 440; and 4 B. C. C., 408; and 2 Dick., 748; *Osmond v. Fitzroy*, 3 P. Wms., 129; *Gibson v. Jeyes*, 6 Ves., 267; *Niell v. Morley*, 9 Ves., 478; *Hall v. Warren*, 9 Ves., 605; *Booth v. Blundell*, 19 Ves., 494; *ex parte Roberts*, 3 Atk., 308; *Bennet v. Vade*, 2 Atk., 325; *Wright v. Proud*, 13 Ves., 136; *Thompson v. Leach*, 2 Salk., 427, 565, 578, 618, 675, vol. 3, 300-1; *Clerk v. Clerk*, 2 Vern., 412-14; *Frank v. Mainwaring, re Frank*, 2 Beav., 115; *Molton v. Camroux*, 10 Jur., 800; *Elliot v. Ince, re Cumming*, 7 De G. M. and G., 475.

† *Ex parte Evelyn*, 2 Myl. and K., 3.

‡ *Ex parte Jermyn*, n., 3 Swans., 130.

year to year, at such rents, and upon such terms as he may consider best for the Lunatic's estate. But he cannot reduce the rent of a tenant, without proper sanction; and where such a reduction is desired he, and not the tenant, must be the party to apply for it.*

An ejectment against a tenant for breach of covenant as to repairs, was stayed on his doing all needful repairs, and paying costs and expenses.†

If leases be required, they can only be made under an order of the Lord Chancellor. (*Act*, 1853, *Sec.* 129—134.)

When it is proposed to let on lease, the course of proceeding which the Masters prefer is that a draft of the proposed lease (*See form in Appendix*), approved by the lessee, and having his approval signed at the foot, should be brought into their office, with a short statement of facts and proposal, and evidence in support. This course is found more convenient and less expensive than bringing into the office a full agreement setting forth the terms, and afterwards drawing the lease. It also obviates subsequent discussion as to the precise meaning of the agreement.‡

If the Master approve the draft lease, he reports its contents, and the facts in evidence leading him to approve it; and his report (prepared and settled as in other cases, and containing consequential directions if the parties do not except), is submitted to the Lord Chancellor for confirmation in the same manner as other reports. Lease.
Master's
report
thereon.

The report being confirmed, a copy of the order or fiat should be left at the Masters' office, when the lease will be engrossed, and allowed by the Master, who signs his allowance on the *last* skin, and his name on each preceding skin of the engrossment. He also signs his name in each skin of a counterpart of the engrossment, and gives a certificate of his allowance, which he files with the Registrar. The lease is then executed by the several parties in the usual way, the Order of
confirma-
tion and
allowance
of lease.

* *Re Fitch*, 1 Russ. and Myl., 354; *ex parte Town*, *re Alchin*, 1 T. and R. 137.

† *Ex parte Vaughan*, *re Edridge*, 1 T. and R., 434.

‡ As to the covenants to which lessee entitled, see *Church v. Brown*, 15 Ves. 358.

Committee executing in the name and on the behalf of the lunatic (*General Order* 54, of Nov., 1853).

A lease of the lunatic's estate for 999 years was refused,* as was also a lease of the glebe of a vicarage of which the lunatic was patron, applied for on the petition of the Committee.†

As to the costs of leases, the usage in lunacy is (in the absence of any special agreement to the contrary) that the lunatic's estate bears the expense of the inquiry, and the lessee of the lease.‡

SECTION III.—*Special Orders of Reference and other matters.*

Special references.

When a special order of reference has been made, whether on a petition presented at the suggestion of the Master, on a matter previously submitted to him, or otherwise, a copy of the mandatory part of such order must be left at the Masters' office, and the inquiry will then be prosecuted in the usual manner, by state of facts and proposal, supported by evidence (*see* page 44).

Summons to consider.

It may be found convenient, especially if the Inquiry directed be of an intricate character, that a summons should in the first instance, be taken out before the Master, to consider the order, and obtain his directions for working out the Inquiry.

Form of documents.

Documents left in the offices of the Masters and Registrar are not to contain unnecessary recitals of former proceedings, on pain of the disallowance of the costs of such proceedings, as the Taxing Master shall consider to be improper, or of unnecessary length (*Act*, 1853, *Sec.* 89).

By the 25th General Order (1853), numbers are to be denoted in documents by figures, except in affidavits, and the conclusions of reports and certificates, and the ordering parts of orders.

And how procured.

As to the mode of making and procuring copies of docu-

* *Re Starkie*, 2 Russ., 197.

† *Re Smyth*, 1 Swanston, 393.

‡ *Ex parte Prickett*, *re* Duchess of Norfolk, 3 Swanston, 130.

ments in relation to the proceedings in Lunacy, which are now chiefly provided by the respective Solicitors engaged, particular attention should be given to the General Order of 8th November, 1856.

Enlarged powers are, by the Act, given to the Lord Chancellor as to the sale and management of the lunatic's property (*Act, 1853, Sec. 116—140*), which are further extended by the Lunacy Regulation Act, 1862, *Sec. 16*. Powers of
the Court.

Section 147 of the Lunacy Regulation Act, 1853, extends the power of the Lord Chancellor to all land and stock in the colonies.

CHAPTER VII.

AS TO PASSING COMMITTEES' AND RECEIVERS' ACCOUNTS.*

SECTION I. *Times of Making up and Bringing in.—Form of Account.—Parties attending.—Costs on Account.—Swearing, &c., Account, Payment, &c., of Balance.—II. Default of Committee or Receiver.*

SECTION I.—*Times of Making up and Bringing in Accounts, &c.*

Committees' and Receivers' accounts.

COMMITTEES and receivers must, pursuant to the 15th General Order (1853), bring in their accounts annually, or at such longer or shorter periods, and made up to such days, as the Masters may appoint. (*See condition of Committee's Bond in Appendix.*)

The first account of a Committee or Receiver is usually made out up to the end of the first year from the date of the completion of his security. The account should be left at the Masters' office within the time fixed by the Master, and a summons on leaving taken, when a time will be appointed for proceeding on it. If the account be not disposed of on the first attendance, a time will be appointed for further proceeding, and so on till it is completed. The Solicitor should, however, be prepared to dispose of each account on a *single* attendance; and to this end have the vouchers complete and arranged, and all necessary office copies of orders, reports, certificates, and other documents ready for the purpose of being produced as occasion may require.

* *Vide* Sections 67 and 68 Lunacy Regulation Act, 1853, and General Orders 15 to 19, 38, 39, 41 to 44, and 46, of 1853; order of 3d July, 1854, and 8th Nov., 1856; Anon., 1 Russ. and M., 113.

Form of Account.

The usual form of account (*which is given in the Appendix, and which may be obtained at the Masters' office*) should be followed with such modifications as circumstances may require.

Parties Attending on Account.

The parties to attend on passing accounts, are the Committee of the estate, and the next of kin or other person to whom the Master has given liberty to attend.*

On the account of a deceased Committee, the parties to attend are the legal personal representatives of the deceased Committee, the new Committee (who must have completed his appointment), and the next of kin, fixed to attend as above.

On the final account on the death of the Lunatic, the Committee, the next of kin fixed to appear, and the legal personal representative of the Lunatic attend.

Proceeding on the Account.

The payment into Court of the balance on the last account must be shown by the certificate of the receipt by the Accountant-General, and the amount of the fund in Court, both stock and cash, should be shown by producing the certificate of the Accountant-General.

On proceeding on the first account in each Lunacy, it has to be shown from the Master's Report of Property, that all the property included in the Report, and the income from it, is duly accounted for; and if any part of the property have been paid into Court, the transcript of the Accountant General's account (which it is always desirable to have) should be produced. If there have been any receipts or payments in respect of the Lunatic's estate not included in the Report of Property, explanation, and if need be, evidence as to such further items will be required.

On the final account of a deceased Committee, his probate or letters of administration must be produced.

* *Tharp & Tharp*, 3 Mer., 501; *re Amoy*, 2 Coop., T. L. C., 105.

And on the final account on the death of a Lunatic, the probate of his will or letters of administration must be produced.

Costs on the Account. (See Appendix.)

The costs of the account, and of paying in and investing the balance on the former account, should be brought in and included in each account passed.

If costs of management have been incurred, they should be made out as a separate item, and the Master will deal with them himself, or refer them to the Taxing Master for taxation according to circumstances.

Swearing to and Filing Account.

The account being settled, is engrossed by the Office Stationer, and the engrossment to be sworn to, which is ready (usually) on the *second* day after the account is disposed of, should be sworn to *without loss of time*, and left at the Masters' office. The Report formerly taken on the account is now dispensed with, "except where it may be specially required with a view to payment of money into Court, or for some other purpose;" and in lieu of such Report the Master's allowance of the account is underwritten. (*Act, 1853, Sec. 67.*) An office copy of the account, when allowed, is taken by the Committee's Solicitor.

Time of Paying in and Investing Balance.

On disposing of the account the Master fixes *the time* for paying in the balance (if it be of sufficient amount to be paid in), and gives a certificate for the purpose, which is filed with the Registrar in Lunacy. An office copy of the certificate is obtained from the Registrar, and left with the Accountant-General, on bespeaking the directions to pay in the balance.

The balance is then to be paid in, in the usual way, *within the time which the Master may have appointed*, and its investment requested within the time appointed by him for that purpose, as above mentioned.

SECTION II.—*Default of Committee or Receiver.*

If a Committee or Receiver neglect to bring in and pass his accounts, or to pay or invest his balance, or the cash in the bank, the Master may (*General Order 17, of 1853*) charge him with interest on such balance or cash at the rate of 5*l.* per cent.* He is also liable to be removed from the Committee-ship.†

In a case where the accounts were not regularly passed, the Committee's costs were refused.‡

The Committee must also show on passing his accounts, and at other times when required, that his sureties are living, and have not become bankrupt or insolvent. (*General Order 18, of 1853.*)

In the event of a Committee's bond, which is, as previously mentioned, in all cases given to the Crown, and is therefore considered, and has been determined, to constitute a debt to the Crown,§ having to be enforced against him for default, or otherwise, the order of the Lord Chancellor usually directs it to be delivered by the Masters to the Queen's Remembrancer, to be put in suit by him on behalf of the Crown.

The certificate of the Master as to a Committee's default, is generally directed by the Lord Chancellor to be handed to the Solicitor to the Suitors, with instructions to him to take such proceedings in the matter as may be necessary.

* *Vide re Catton*, 1 Ves., 156; ——— *v. Jolland*, 8 Ves., 72; *Fletcher v. Dodd*, 1 Ves., 85; *Potts v. Leighton*, 6 Ves., 273; *ex parte Hall, re Legard*, Jac., 160.

† *Re Lockety*, 1 Phill., 509.

‡ *Ex parte Clarke*, 1 Ves., 295-6.

§ *Regina v. Chambers*, 11 Moo. and Wel., 776; *re Lockety*, 1 Phill., 509; and Stat. 33 Hen. VIII., c. 39.

CHAPTER VIII.

CHANGE IN COMMITTEESHIP AND AS TO THE APPOINTMENT OF A RECEIVER.

SECTION I. *Vacating previous Grant of Custody.—II. Discharge of a Committee, and his Security.—III. Appointment of a New Committee.—IV. As to the Appointment of a Receiver of the Lunatic's Estate.*

SECTION I.—*Vacating previous Grant of Custody.*

Vacating
grant.

IF there be joint Committees, the Grant, whether of person or estate, is vacated by the death or discharge of either of them,* unless under the 66th Section of the Act, 1853, the appointment should have been made with survivorship—a proceeding, however, which in very special cases only has yet been adopted; but the offices of Committee, of the person and of the estate being distinct, the Committeeship of the *person* is not vacated by the death or discharge of the Committee of the *estate*, and *vice versa*.

In a case where the property was small, and one of two or more Committees has died, the Court has, on satisfactory evidence of the respectability of the surviving Committee, directed payment of the allowance for maintenance to such survivor.†

SECTION II.—*Discharge of a Committee and his Security.*

Discharge of
Committee
and Surety.

Should a Committee wish to retire, the permission of the Lord Chancellor to do so must be obtained, either by application to the Master, and his report confirmed by fiat, or by

* *Ex parte Clarke, re Duchess of Norfolk, Jac.*, 589.

† *Re Noble, 2 De Gex., M. and G.*, 280.

petition to the Lord Chancellor and order thereon, as the circumstances of the case may seem to require.

The Committee having assented to take upon himself the duties of the office may, unless on good grounds (as advanced age, ill health, quitting the country, &c.), have to pay the costs incurred by his discharge, and the appointment of a new Committee.

In the event of the Bankruptcy of the Committee of the person he may be removed, on account of the Fund for maintenance, but regard is had to the proper comfort and benefit of the Lunatic in making any such change in his custody.*

SECTION III.—*Appointment of a New Committee.*

Where a Committee has died, or has obtained permission to retire, or has made default in perfecting his security (*General Order*, 21), a state of facts of the heir or kin must be brought into the Masters' office (*See forms in Appendix*), setting forth the appointment of the former Committee, and his death or retirement (as the case may be), and proposing a new Committee. If the proposal be for a committee of the *estate*, there must be a statement (in general terms) of what the Lunatic's property then consists. If the application relate to the Committee of the *person*, the last allowance, and scheme for maintenance should be stated; and if the income much exceed the allowance for maintenance, it should be shown whether the Lunatic can enjoy greater comforts.

Evidence is required of the death and identity, or retirement of the late Committee, and of the eligibility of the person or persons proposed in his stead. The evidence on the latter point is of the same kind, and (if practicable) is taken in the same way as upon the first appointment of a Committee under the 11th General Order of 1853. It is, however, desirable, in the first instance, to take the Master's direction as to the evidence to be laid before him.

The Master in all cases inquires whether the residence and

* *Re Birch*, 1 Swans., 531; *re Mildmay*, 3 Ves., 2; *see also* *Smith v. Bate*, and *Wilcox v. Drake*, 2 Dick, 681.

Eligibility
of proposed
Committee.

Evidence in
support.

New
Committee.

Proposal.

circumstances of the person proposed are favourable for superintending the property, and for visiting the Lunatic. He requires also an assurance that the person proposed as Committee is willing to act if appointed, and especially to visit the Lunatic at stated periods, and (if the proposal be for Committee of estate) to give the usual security. It is desirable that the person so proposed should, if he conveniently can, personally appear before the Master.

The Committee of the estate, *as such*, does not appear on the proceedings for the appointment of a new Committee of the *person*; nor does the Committee of the person, *as such*, appear at all on the general proceedings in the matter; but on an application (by Petition) for the *discharge* of a Committee, and the confirmation of the Report approving a new one, the outgoing Committee should be served with the petition.

SECTION IV.—*As to the Appointment of a Receiver of the Lunatic's Estate.*

Appoint-
ment of
Receiver.

If from any cause it should appear to be necessary to appoint a Receiver of the Lunatic's estate, a proposal is laid before the Master for the purpose, showing the necessity for such an appointment, and proposing the person, accompanied with evidence as to his respectability and qualifications, and naming also the persons proposed as his sureties. The Solicitor under a commission cannot be appointed Receiver.* Nor can a Trustee.†

A Receiver (or a Committee with payment) is only appointed in cases where it is clearly shown that neither the heir-at-law nor any of the kin will act, or can give the necessary security, and also that no other person can be found who will act and give the requisite security without being paid.‡

A summons is taken out on leaving, and to proceed. If the Master be satisfied on the subject, he reports the matter to the Lord Chancellor; and on the confirmation

* *Ex parte Pincke*, 2 Mer., 452.

† — *v. Jolland*, 8 Ves., 72.

‡ *Vide ex parte Warren*, 10 Ves., 621; and *ex parte Radcliffe*, 1 Jac. and W., 639.

of his report by fiat, or by special order, such fiat or order is left in his office, that the Receiver's security, which is by ^{Security.} recognizance, not a bond, to the Masters, may be prepared. The amount of such security is fixed upon a similar principle to the security given by a Committee; but the duties of a Receiver not being in every respect co-extensive with those of a Committee, the condition of the recognizance is therefore different in form.

The Receiver gives security duly to account, but he cannot set and let, or make expenditure without proper sanction.* The tenants of the Lunatic's estate are bound to attorn to him.†

The papers relating to the security, when prepared and settled (on summons) in the Master's office, are handed over to the Solicitor to be completed.

On the recognizance duly entered into being returned to the Masters' office, it is allowed by him, and subsequently handed over to the Chancery Enrolment Office, for enrolment. The security is then considered as completed, and the Master gives, and files with the Registrar, a certificate, which perfects the appointment of the Receiver. ^{Completion of Appointment.}

Recognizances are engrossed on parchment, impressed with a 35s. stamp, and are merely signed, not sealed, by the several parties. The place and date of acknowledgment by each party must be carefully inserted by the Commissioner taking it before the recognizance can be enrolled.‡

The remuneration to the *Receiver* is generally fixed on passing his first account.

By the 3d General Order (1853), "the provisions respecting the Committee of the estate, his appointment, accounts, payments, allowances, and matters of the like nature, are to be deemed to extend as far as they may be applicable, *mutatis mutandis*, to the case of a Receiver."

Recognizances of Receivers, and others, may be acknowledged before the Masters (*Act*, 1853, *Sec.* 56).

* *Morris v. Elme*, 1 Ves., 139; *Waters v. Taylor*, 15 Ves., 11.

† *Fide* 37 G. O., 1853; *Attorney-Gen. v. Tancred*, 2 Dick., 798.

‡ *Fide re Bull*, 2 Co., T. L. C., 63 n., as to the form and nature of the Bond as distinguished from the recognizance.

Notwithstanding the appointment of a Receiver, it usually happens that a Committee of the estate also is required for the more effectual management of the Lunatic's property, granting of leases, or the performance of other legal acts which a Receiver, not having the legal custody of the estate, is unable to fulfil. In such cases the Committee is restrained by the order appointing him from receiving any part of the Lunatic's moneys, and gives usually nominal security only.*

* *Radcliffe v. Carter*; *re Radcliffe*, 1 *Coo.*, 250, and 1 *Jac. and W.*, 639; *re Billinghamst, Amb.*, 104.

CHAPTER IX.

PROCEEDINGS ON THE DEATH OF THE LUNATIC.

On the death of the Lunatic, if his Will have been deposited in the Masters' office, an order authorising them to open it, and ascertain whether any directions are given in it relative to the interment, and who are the executors, and also directing that it may be delivered out to the Registrar, or other proper officer of the Probate Court, is now unnecessary, the Masters being empowered by the 84th Section of the Act, 1853, to open the Will for such purposes, and to deposit it in the proper Ecclesiastical Court.

Opening
Will on
Lunatic's
death.

An affidavit of the death and identity of the Lunatic is laid before the Master, and an appointment made before him upon summons served upon the several parties in the matter for opening (if necessary) and depositing the Will. At the return of the summons, the Master opens the Will (if required) in the presence of the parties, and gives a certificate of having so done. On a subsequent application of the parties, by summons, the Will is deposited at the Principal Registry, or handed to some other proper officer, the Solicitor for the Committee or kin, and his proctor, (if any) being present.

Deposit of
Will in
Ecclesiasti-
cal Court.

The Solicitor having the carriage of the proceeding makes a request in writing, on a £1 stamp, for the deposit of the Will in the Probate Court, and the Registrar receiving the Will, gives the Master a receipt for it. The Master then issues a certificate of the deposit of the Will, which, as well as the certificate of opening the Will, is filed with the Registrar in Lunacy, and office copies of both certificates are taken. (*See Appendix.*)

Request and
certificate.

Committee's
final ac-
count.

On probate being obtained, the Committee's final account should, if necessary, be passed before the Master, which is done in the usual way, the executors and next of kin attending.

Discharging
Committee's
security.

Under the 44th General Order of Nov., 1853, the passing of the final account may, if the Master shall so think fit, be dispensed with, and the Committee's security discharged. For this purpose a proposal is laid before the Master, and a summons is taken out before him to proceed upon it, and served upon the parties. The Master is at the same time furnished with an affidavit of death and identity, if he have not already had one, and the probate, or letters of administration of the Lunatic's estate must also be produced. If the Master be satisfied that the passing of the account is not required, he directs accordingly, and discharges the Committee's security.

Application
for transfer
of funds to
representa-
tive.

If there be a fund in Court, a petition (*See form in Appendix*) must be presented by the legal personal representative for its transfer to him, and for the taxation and payment of costs, the Court in no case administering the estate of the Lunatic on his death.* The Committee and kin are served with this petition, as answered, or they may perhaps more conveniently be made parties to it. It is unnecessary to ask in this petition for directions as to passing the Committee's final account, and discharging his security as formerly, the General Orders having made provision for such matters. (*Vide General Order* (1853) 44.) The Committee of the estate, even though his final account may have been passed, and his security discharged, must still be served with this petition.†

Vacating
bond and re-
cognizance.

The order (if any) for the transfer of the funds being made, it is produced to the Masters, and upon its appearing that all the directions contained in it have been complied with, and also that the balance (if any) due from the Committee has been paid to the legal personal representative, the bond given by the Committees is delivered up by the Masters; or should the security have been by recognizance, a

* *Ex parte* Gilbert, 1 Ball and B., 297. † *Re* Wyld, 5 De Gex, M. and G., 25.

certificate, pursuant to the 46th General Order (1853), is given by the Master, directing the Clerk of the Enrolments in Chancery to attend the Master of the Rolls with the enrolment of the recognizance to be vacated and discharged.*

Before the security is discharged, a receipt of the legal personal representative for the balance due from the Committee, with an affidavit identifying the person receiving, and verifying his handwriting, must (if required) be left with the Masters. Receipt for balance.

If, in lieu of giving security by bond, the Committee have transferred or paid a sum of stock or cash into Court, a proposal of the Committee, or other person entitled thereto, must be left in the Masters' office. A summons to proceed upon it is taken and served in the usual way; and, the Master, on being satisfied as to the party entitled to the fund, reports accordingly, pursuant to the 46th General Order. On the confirmation of the report, by order or fiat, the Accountant-General transfers the fund as he may be directed. Security by transfer into Court.

Although the Court does not on the death of the Lunatic, as previously mentioned, administer his estate in the Lunacy, yet a fund belonging to a Lunatic was retained in Court, until a suit was instituted to ascertain the kindred, a report in the lunacy not being sufficient authority on which to ground a decree.†

Should any deeds have been deposited in the Masters' office, the 47th General Order (1853) requires the Master to ascertain and report who is entitled to receive them. For this purpose a state of facts and proposal is laid before him, showing the nature of the deeds, and the property to which they relate, the interest the Lunatic had under them, and who is entitled to them.‡ Delivery out of deeds deposited with Masters.

The Master being satisfied, prepares his report as in other cases, and files it with the Registrar for confirmation. On its being confirmed, the proceedings pointed out in the subse-

* *Vide* Appendix.

† *Wigg v. Tiler*, 2 Dick, 5 2.

‡ *Re Pearson*, 1 Coop., 314.

quent chapter as to the delivery out of Deeds, &c., must be taken, in order to obtain the deeds. (*See forms in Appendix.*)

Orders, &c., after Lunatic's death. It has been considered, that notwithstanding the Lunatic's death, a report or order might be made upon a proceeding originated prior to it; but it appears to be doubtful how far either, in such an event, can be made with effect, except for the purpose of winding up the lunacy.*

The Court has no jurisdiction to try the question of disputed heirship in the lunacy after the Lunatic's death; but a party claiming to be kin, was permitted to inspect the deeds in Court, and which were retained until a proper investigation was made.†

Payment of the arrears of maintenance due at the Lunatic's death was refused out of a fund in Court (there being no order for an allowance), except with the consent of all parties beneficially interested in the fund.‡

A fund in Court was remaining on the credit of the lunacy to a real estate account. The Lunatic died, leaving an heir-at-law, who subsequently died before the fund was transferred to him (a convict abroad), and before, therefore, the character of the fund was changed. On the petition of his heir, it was ordered to be transferred to him, costs being paid out of it.§

* *Ex parte* Armstrong, 3 B. C.C., 237; *M'Dougal*, 12 Ves., 384; *ex parte* Roberts, 3 Atk., 308; *re* Way, Law J., 30 vol., N.S., 815; *Grimstone's Case*, Amb., 706.

† *Ex parte* Clarke, *re* Duch. Norf., Jac., 589; *re* Fitzgerald, 2 Sch. and Lef., 432.

‡ *Re* Patrick, 2 Phill., 394. As to the interests and equities of the kindred on the Lunatic's death, see cases cited at page 17.

§ *Re* Wharton, 5 De Gex, M. and G., 33.

CHAPTER X.

AS TO A TRAVERSE.

THE petition for a Traverse (which is the right of the Traverse. alleged Lunatic on a *bonâ fide* application), or other party interested,* must under the Act of 1853 (*Sec.* 148, 149), be presented within three months next after the day of the return of the Inquisition, and when it has been presented to the Registrar, it is answered in the usual manner, and set down for hearing before the Lord Chancellor; and after a personal examination of the Lunatic, such directions are given as his Lordship deems right. The course pursued almost entirely depends upon the particular circumstances of each case.

The order allowing a Traverse must be filed by the Solicitor having the carriage of it, in the Petty Bag Office, where the Draft Traverse is prepared, and which, when prepared, is settled and signed by counsel, and returned to the same office, and afterwards engrossed on parchment. The replication of the Attorney-General is then filed, and the record† made up and carried from the Petty Bag to the office of the Clerk of the Crown in the Queen's Bench,‡ from whence it is transmitted to the Clerk of Assize for the County in which the trial of the Traverse is directed to take place.

Notice of trial is given by the Solicitor, as in other cases, and the matter is tried at the then next ensuing Assizes, either for the County in which the Inquisition was taken, or the County in which the Petitioner may be residing, as the Lord Chancellor may have directed. Special Jurors are usually summoned upon the trial of the Traverse, and

* *Vide* Cumming, 1 De G., M. and G., 537, in which case the several authorities are cited; Staun. Prerog., c. 20, Traverse.

† Tremain's Pleas of the Crown, 652; *re* Roberts, 3 Atk., 308. ‡ 34 Edw. 3, c. 14.

the alleged Lunatic, who is the defendant in these proceedings, must appear in person. The verdict is returned to the Petty Bag Office, and if it be for the Crown (the plaintiff), the Inquisition being thus affirmed, proceedings are taken (if not taken pending the Traverse, which they may be under the 151 Sec. of the Act of 1853,) for the appointment of Committees in the usual manner; but if the verdict be for the defendant (the alleged Lunatic), the further proceedings necessary for removing the Crown, and restoring the party to the uncontrolled enjoyment of his personal liberty and property, are taken to the Petty Bag Office.*

Special attention may be directed under this head to the Lunacy Regulation Act, 1853, Sections 148—152.

(Forms of the several proceedings are given in the Appendix.)

No traverse
of an Inqui-
sition made
by one of the
Judges, &c.

By Sec. 7 of the Lun. Reg. Act, 1862, it is enacted, that
 “No person shall be entitled to a Traverse of any Inqui-
 “sition made under any such order as (therein mentioned)
 “upon the oath of a Jury; but it shall be lawful for the
 “Lord Chancellor intrusted as aforesaid, if he shall think
 “fit, upon a petition being presented to him within three
 “months next after the trial of any such issue, to order
 “that a new trial shall be had of such issue, or a new
 “inquiry made as to the insanity of such person, subject
 “to such directions and upon such conditions as to the
 “Lord Chancellor intrusted as aforesaid may seem proper.”

(Sec. 148, 149, 150 of the Act, 1853, are not to apply to cases in the above Section.)

(But Sec. 151 as to proceedings pending a new trial as above is to apply.)

* A traverse of an Inquisition finding insanity may be had, but a finding of sanity in the first instance is peremptory. (*Hume v. Burton*, 1 Ridg. P. C., 213.)

CHAPTER XI.

AS TO A SUPERSEDEAS OF THE INQUISITION, &c.

A SUPERSEDEAS must be applied for by petition to the Lord Chancellor, and it must be the petition of the Lunatic himself, whose recovery is never to be regarded as improbable.* The petition, together with the medical and other evidence of the petitioner's restoration to sanity,† by which it is supported, must be left with the Registrar, and the petition is answered in the usual way. A copy of the petition, with the order for hearing endorsed thereon, must then be served upon the Committees, and next of kin. At the time appointed, the Lord Chancellor hears the application, the party himself being personally seen and examined in private by his Lordship, either at the hearing of the petition, or at some other time specially appointed for the purpose. This personal examination is, except under very special circumstances, indispensable.‡ The Lord Chancellor being satisfied as to the sanity of the party, the order for the supersedeas, and the writ of supersedeas issuing thereupon, are prepared by the Registrar in the usual manner. (*See forms of proceedings in Appendix.*)

By the 152d Section of the Lunacy Regulation Act, 1853,^{Supersedeas on terms.} and Sec. 10 of the Act, 1862, the Lord Chancellor is empowered to supersede an Inquisition upon terms and conditions. But he may, if it should appear to be desirable, not immediately supersede the commission, but temporarily sus-

* *Dormer's case*, 2 P. Wms., 262; *ex parte Whitbread*, *re Hinde*, 2 Mer., 99.

† *Re Loveday*, 1 De G., M. and G., 275; *re Sombre*, 1 Mac. and G., 116; *ex parte Holyland*, 11 Ves., 9; *Atty. Gen. v. Pamther*, 3 B. C. C., 441.

‡ *Re Sombre*, 1 Phill., 436; *re Gordon, alias Stair*, 2 Phill., 242; *re Warren*, Reg. Lib.

pend the proceedings under it, for the purpose of testing the effect of the removal of the previous restraint.*

Deeds, &c. Should any deeds, &c., have been deposited with the Masters, the proceedings pointed out in the subsequent chapter, as to delivering out deeds, &c., have to be taken with respect to them, unless the Lord Chancellor should in the order for the supersedeas in the particular matter, have otherwise directed. (*Vide General Order 47, of 1853.*)

* *Vide re Blackmore, L. J. Rep., Vol. 32, N. S., 437, ch., and cases there cited.*

CHAPTER XII.

AS TO CASES NOT WHOLLY WITHIN THE JURISDICTION, AND AS TO PERMISSION TO RESIDE OUT OF THE JURISDICTION.

If a Lunatic, residing in England, have been found such by Inquisition in England, and have no property but in Ireland, Committees of the person and estate are nevertheless appointed by the Lord Chancellor of England in the same manner, and the same proceedings for that purpose are taken as in other cases;* and on its appearing by the Master's Report that the property is in Ireland, a transcript (or office copy) of the Inquisition is, on the confirmation of the report, directed to be transmitted to Ireland, and proceedings taken in the Irish Chancery with reference to the Lunatic's estate, and the allowance for his maintenance, as if he were residing there (*Act, 1853, Sec. 52*).

Lunatic in
Ireland hav-
ing Property
in England,
and vice
versâ.

The similar course is taken when the Lunatic resides in Ireland, and the Inquisition is taken there, but his property is in England.

In cases where a person residing out of England has been found Lunatic according to the law of the place in which he resides,† and he possesses stock or shares in England, the Masters are authorized, without order of reference, to inquire and report thereon (*Act, Sec. 85 and 141*); and the Lord Chancellor will make the necessary order for the transfer of such stock or share to the Curator or other person appointed for the management of the Lunatic's estate.

Lunatics
out of juris-
diction.

An application by a Curator *bonis* of a Scotch Lunatic

* *Re Tottenham*, 2 Myl. and C., 39.

Ex parte Gillam, 2 Ves., 586-7. A party duly found Lunatic abroad, may be considered a Lunatic here.

for the transfer of Stock in the English funds standing in the Lunatic's name was refused, the Court not being satisfied that the security given by the Curator in Scotland was sufficient to cover the amount.*

In another case, on the application of the Curator legally appointed, of a Lunatic residing in Holland, and duly found Lunatic according to the Law of the Netherlands, Lord Chancellor Truro, after some hesitation, it not appearing that security had been given, and that the Lunatic was a native of Holland, directed the transfer to the Curator of the English Funds, which were considerable.†

Lunatics
residing out
of jurisdic-
tion.

The Lord Chancellor is very reluctant to allow a Lunatic, so found by Inquisition, to be taken out of the jurisdiction; but in several very special cases, nevertheless, where it was made clearly to appear that the change of residence was for the Lunatic's benefit (in point of health or otherwise), permission has been given for his removal to Scotland or Ireland; and then the Committee has been required to undertake to bring the Lunatic within the jurisdiction of the Court at such times and places as might be directed, and to furnish periodical reports as to his bodily and mental health, or to comply with such other directions as the Court might think fit to give respecting his care and management, and to enter into security to the satisfaction of the Masters accordingly. In all such cases, however, the same proceedings with reference to the Lunatic's estate have to be taken as in other cases.‡

* *Re Stark*, 2 Mac. and Gor., 174.

† *Re Elias*, 3 Mac. and Gor., 234.

‡ *Re Stair*, 1 Co., T. L. C., 227; *re Jones*, 1 Phil., 461 [and the several cases of Sartoris, Keay, Rawson, and Tollemache in the Registrar's books].

CHAPTER XIII.

LUNATIC TRUSTEES.

THE inquiries under the Acts relating to Lunatic Trustees (13 and 14 Vic., c. 60 (1850), and 15 and 16 Vic., c. 55, *Vide* also 23 and 24 Vic., c. 145), which were formerly referred to the Masters in Chancery, are, by Section 8 of the Lunacy Regulation Act, 1853, excepted from the inquiries directed to be made by the Masters in Lunacy, and are otherwise disposed of by the Court on the application made to it in the particular case, either under the Trustee Acts,* or Section 138 of the Lunacy Regulation Act, 1853.

By Section 52 of the Trustee Act, 1850, the Court is empowered, if it shall think fit, to direct an Inquiry in Lunacy concerning a person the subject of a petition under that Act, and to postpone its order on such petition until a Return (or Inquisition) shall have been made upon such Inquiry.

The Court never interferes in the administration of the Trusts, but merely appoints a Trustee in the place of the Lunatic.†

It was held under the Trustee Act, 1850, that it did not give the Lord Chancellor jurisdiction, sitting in Lunacy, over lands in Ireland.‡

Where a Lunatic, so found by Inquisition, is Mortgagee of an estate, and the Mortgagor is desirous of paying off the Mortgage, he should give notice to the Committee accordingly.

* It is especially important that the evidence in support of these applications for the appointment of a new Trustee should state, precisely and distinctly, the nature of the insanity or unsoundness of mind of the person in whose place the new Trustee is to be substituted, and that by reason of such unsoundness of mind such person is incompetent and unable to fulfil the trusts reposed in him.

† 2 Mac. and G., 73.

‡ *Re Davies*, 3 Mac. and Gor., 278; and as to appointing new Trustees *see* also *re Foxhall*, 2 Phill., 281; *re Fauntleroy*, 10 Sim., 252.

If the Mortgagor will be satisfied with a vesting order under the Trustee Acts, and not require a re-conveyance, it is a convenient and economical course for the Committee to take the Master's certificate for liberty for the Mortgagor to pay his mortgage-money into Court to the credit of the Lunacy; and then, by petition, to obtain the vesting order (*Act, 13 and 14 Vic., c. 60, Sec. 3; and 15 and 16 Vic., c. 55, Sec. 13*).

But if the Mortgagor require a re-conveyance, then it is the duty of the Committee, by petition, to obtain an order authorizing him, on the money being paid into Court, to execute such re-conveyance. (*Vide Act 13 and 14 Vic., c. 60, Sec. 3.*)

The costs thus incurred in the Lunacy are paid out of the Lunatic's Estate,* and those of the re-conveyance, or of the proceedings in the nature of it, by the Mortgagor. But if the Mortgagor, and not the Committee present the petition, unless the latter should have refused to do so, the Mortgagor may have to pay the entire costs.†

The Committee's petition should not be served on the Mortgagor.‡

Where the mortgage money is Trust Fund, of which the Lunatic is trustee, and without a beneficial interest, and the trust appears on the face of the mortgage security, the Mortgagor must bear the costs of the proceedings to obtain the necessary re-conveyance, &c.§

An *ad interim* Committee is incapable of re-conveying,|| there being no grant of custody of the estate of the Lunatic made to him. (*Vide page 38.*)

* *Ex parte Richards, re Lewis*, 1 Jac. and W., 264.

† *Re Wheeler*, 1 De G., M. and G., 434.

‡ *Re Rowley, L. J.*, vol. xxxii, N. S., 158 Ch.

Re Lewes, 1 Mac. and Gor.; but see also *re Townsend*, 1 Mac. and Gor., 686; and *re Townsend*, 2 Phill., 348; and see also *re Pearse*, 1 Tur. and Russ., 325.

Re Poulton, 1 Mac. and G., 100.

CHAPTER XIV.

AS TO LUNACIES UNDER 8 AND 9 VIC., CAP. 100, AND
15 AND 16 VIC., CAP. 48 AMENDING SAME.

(See Appendix.)

It is directed by Section 53 of the Lunacy Regulation Act, 1853, that certain proceedings, authorized by the above Act, 8 and 9 Vic., cap. 100, Sec. 95—98, shall be discontinued from the commencement of that Act (28th October, 1853) except that Section 103 (Act, 1853) directs that “The foregoing provisions with respect to certain of the proceedings after the Inquisition” (*Sec. 55*), and “with respect to orders” (*Sec. 98*), shall be applicable and applied, as far as may be, to proceedings in such cases. Lunacies under 8 & 9 Vic., c. 100.

The fees and per-centage chargeable on the incomes of Lunatics are also, under the Act, Section 33, and General Order 33, of November, 1853, payable in such cases. Fees, &c.

In these cases, should there be stock standing in the Lunatic's name in the books of the Bank of England, the amending Act above mentioned authorises the payment of the dividends from time to time by the Bank to the Receiver.

The Receiver is also empowered, under the order of the Court, to make repairs and improvements, and to execute leases, agreements, &c. (*Vide Sec. 6.*)

By Section 23 of the Act of 16 and 17 Vic., c. 96, amending the above Act of 8 and 9 Vic., c 100, it is enacted that “Where any person has already been received as a Lunatic under order and certificates, and shall be detained thereunder, and where any person shall hereafter be in like manner received and detained, and the Commissioners represent to the Lord Chancellor that it is desirable that Cases reported upon by Commissioners.

“ the extent and nature of his income should be ascertained,
“ and the application thereof, the Lord Chancellor may, if he
“ think fit, through the Registrar in Lunacy, require that
“ the person signing the order, or other the person paying
“ for the care and maintenance of the Lunatic, or having the
“ management of the property, shall transmit to the Lord
“ Chancellor a statement in writing, to the best of his know-
“ ledge, of the particulars of the property and income of the
“ Lunatic and of the application of the income.”

CHAPTER XV.

DEPOSITING WILLS AND DEEDS WITH THE MASTERS.

A PARTY desirous of depositing, or who has been directed by special order* to deposit deeds or papers with the Masters, must take them to the office in a proper deed-box lettered with the name of the lunacy, together with a schedule of such deeds or papers; and, if there be an order for the deposit, leave at the same time a copy of it. An affidavit must also accompany the deeds, &c., stating that they are all that the party depositing them has in his possession or power; and, if there be an order, that they are those referred to in it. A summons to compare them with the schedule is then taken, and served upon the several parties, in whose presence they are compared by the Solicitors, and one of the Masters' clerks. On the completion of such examination a summons is taken on depositing the documents, and a certificate of the deposit is afterwards given, and filed by the Masters at the office of the Registrar in Lunacy, in the usual way.

If any document in the nature of a will or testamentary will. paper of the Lunatic exist, it should be deposited in the Masters' office immediately after the inquisition.† No special order is required for this purpose, the 26th General Order of 1853 having made provision for the deposit. On depositing such supposed will there must be an affidavit of the person in whose custody it has previously been, stating in what way it came into his possession, and that he believes it to be a will or testamentary paper of the Lunatic, and that it is then in the same state and condition as when it came into his hands. It must be left in the office of the Masters upon a summons as any other document belonging to the Lunatic.

* *Re Eagle*, 2 Phill., 201.

† *Re Thompson*, 1 Russ. and M., 355; *re Humpleby*, 2 Coo., T. L. C. 166.

A certificate of the deposit is given and filed with the Registrar, by whom an office copy certificate is prepared for the party depositing.

A Bill for perpetuating testimony respecting the Will of a Lunatic in his lifetime, and made before his lunacy, will not lie, his next of kin having no present interest.*

* *Lord Dursley v. Fitzhardinge*, 6 Ves., 260; *Sackvill v. Ayleworth*, 1 Vern., 105.

CHAPTER XVI.

DELIVERING OUT AND PRODUCING PAPERS, DEEDS, &c.

(See Appendix and General Order (1853) 47).

If a special order for this purpose have been obtained upon petition, a copy of it must be left with the Masters, and a summons taken out for comparing the deeds with the schedule of them. This examination being made, and it appearing that the other directions of the order (if any) are complied with, the deeds will be delivered out as directed. A certificate of the delivery out is given and filed by the Masters.

If the party to whom the deeds are ordered to be delivered should not attend in person to receive them he must give a written authority to some one to act on his behalf, and his signature must be attested by two witnesses, one of whom must by affidavit identify the party giving the authority with the person named in the order to receive the deeds, and verify the signatures of such party and the witnesses also. The party to whom this authority is given must attend in person to receive the deeds, and give a proper receipt for them.

Documents and papers deposited with the Masters are occasionally required to be produced in Court on the hearing of a petition. When this is the case the Solicitor requiring the production files at the Masters' office a request in writing for them, on a 1*l.* stamp; and at the time appointed one of the Masters' clerks attends in Court with them.

It occasionally happens also that documents are required on the hearing of trials at Common Law, or suits in equity; but no documents can be produced either on such trials,

or suits, or elsewhere, except under the special order of the Lord Chancellor, obtained on petition for the particular purpose, and upon payment also of the usual fees.*

(See forms of these proceedings in Appendix.)

* In *re* Wood, *Banner v. England*, Law J. 33, N. S., 334 Ch.

CHAPTER XVII.

AS TO COMMISSIONS TO EXAMINE WITNESSES.

COMMISSIONS for the examination of witnesses on interrogatories are so seldom required that it is not considered requisite to notice at length the proceedings relating to them, the more especially as under the present arrangements in Lunacy the Masters are empowered to take *vidé voce* evidence. Commissions to examine witnesses.

Formerly, the commissions for this purpose were obtained at the office of the Clerk of the Custodies (whose office was abolished by the *Act 5 and 6 Vic. c. 84*), pursuant to a special order of the Lord Chancellor for the purpose, and which order was obtained upon the Master's report that the commission was proper. The practice under such commissions was very similar to that which was observed as to like commissions in suits in Chancery, except that the examinations when taken were filed with the Clerk of the Custodies, instead of being returned into the Record Office in Chancery.

In the event of any such commission, however, being now required, it is prepared in the office of the Registrar, where also the return to it, and the evidence taken thereupon, are filed.* Prepared by, and filed with, Registrar.

* *Vide* Appendix, and also *re* Webb, and *re* Woodcock, 3 *Coo.*, T. L. C., 145.

CHAPTER XVIII.

COSTS OF THE PROCEEDINGS.

Costs. It is expedient that the costs of each proceeding should be provided for in the order or fiat completing such proceeding. In reports, therefore, containing consequential directions submitted for confirmation by fiat, provision is made for the taxation and payment of the costs; and where a petition to confirm the report is necessary, it is usual to pray a reference to tax the costs of those proceedings, and if the order be made accordingly, it directs a reference to the Taxing Master.

Costs to be specified in petition.

On an application to the Court for the taxation and payment of costs not previously taxed, the particular business in respect of which the costs are desired must be specified, the practice of the Court in Lunacy now being to direct, not generally, "the taxation of costs from the foot of the "last taxation," but the taxation of the costs only of the particular proceedings, the costs of which have not been already given.

Costs of general management.

Costs of general management (not of proceedings before the Court) are more conveniently disposed of under the Master's direction, as he is acquainted with the course of the proceedings to which they relate. He refers them to the Taxing Master as he sees occasion; and he may in certain cases (*Act, 1853, Sec. 88*), disallow the costs of any proceeding before him.

Costs of Counsel.

Costs of Counsel attending before the Masters are not to be allowed on taxation unless the Masters certify as to the propriety of such attendance (*Sec. 88*).

The endorsement by Counsel of the receipt of his fees on his brief does not require a stamp.*

* *Re Beavan, 5 De G., M. and G., 40.*

The Taxing Masters are required to look into all documents on the taxations before them, and to deal in such manner as to them seems just with the costs of any such document appearing to them to be unnecessary or improper, or of unnecessary length (*Sec. 89*). Mode of taxation.

The practice of the Taxing Masters in taxing costs in Lunacy is the same as in Chancery; but in the event of any doubt occurring to them on a taxation they communicate with the Masters in Lunacy on the subject.*

Should there have been no previous taxation in the particular matter, the Solicitor must certify the fact on the order of reference in some such terms as the following—namely,—

“In the matter of, &c.

“I hereby certify that this matter has not been already referred to any Taxing Master.

“Dated, &c.,

“(Signed) _____, Solicitor.”

And the sitting Taxing Master of the day marks upon the order (as in Chancery) the name of the Taxing Master who is to take the matter.

Under 1 and 2 Vic., c. 110 (*Secs. 13, 18, 19*), which provides that a judgment shall operate as a charge upon real estate, it is enacted that (amongst others) orders in lunacy “whereby any sum of money, or any costs, charges, or expenses, shall be payable to any person, shall have the effect of judgments in the Superior Courts of Common Law, and the persons to whom any such monies, or costs, charges or expenses, shall be payable, shall be deemed judgment creditors within the meaning of this Act.” And all powers given to the Judges of the Superior Courts with respect to matters depending in the same Courts are given to “the Lord Chancellor in matters in Lunacy,” provided that no such order shall “affect any lands, tenements, or hereditaments as to purchasers, mortgagees, or creditors, unless and until a memorandum, or minute” containing costs. Charge for costs.
Registering order for costs.

* *Vide Secs. 72—74, 88, 89, 116, 145, Lunacy Regulation Act, and General Orders (1853) 89, and 48, as to costs.* Forms of costs are given in the Appendix.

the several particulars referred to in the Act, "shall be left with the Senior Master of the Common Pleas."

And by 2 and 3 Vic., c. 11, sec. 4, it is provided that all judgments, decrees, and orders above referred to, shall after the expiration of five years from the date of entry be null and void against lands, &c., unless a like memorandum or minute, as above-mentioned, shall be again left with the Senior Master of the Common Pleas.

Charge for costs.

An order directing costs to be a charge upon real estate is obtained (usually) upon a special application for the purpose, showing the grounds on which it is sought.*

It occasionally happens that in the event of the Lunatic's death, before his estate is fully ascertained, and outstanding portions of it are realized, and before consequently, there may be a fund applicable to the payment of the costs, it is necessary, in order to affect his estate, to obtain the declaration of the Court that the costs were incurred for his benefit. In this case, the order obtained upon a previous petition for the purpose, is as follows:—"We do declare the amount at which the aforesaid costs, &c., shall be taxed, to have been properly incurred for the benefit of the said (*Lunatic*). And we do further declare that the said sum of £—— was properly incurred by the said ——, for the maintenance of the said (*Lunatic*)."[†]

How costs paid.

The costs of proceedings in Lunacy, before the grant of custody had issued, could not formerly, except in certain special cases (where, for instance, the Lord Chancellor had control over a fund in Court[‡]), be given;[§] but now by Sec. 11, of the Lunacy Regulation Act, 1862, it is enacted, that

* *Vide* the several Acts of 1 and 2 Vic., c. 110; 2 and 3 Vic., c. 11; 3 and 4 Vic., c. 82; 13 and 14 Vic., c. 43, sec. 24; 18 and 19 Vic., c. 15; 23 and 24 Vic., c. 127, sec. 29; and 24 and 25 Vic., c. 134, sec. 77, relating to this subject.

[†] *Vide* order, *re* Roberts, June, 1859, and *re* J. Hart, as to costs, in the Appendix. See also *Barnsley v. Powell*, Amb., 102. *Vide* also *re* Cumming, De G., M. and G., vol. 1, pp. 537 and 561; vol. 5, p. 30; vol. 7, p. 475; *re* Rutter, 4, De G., M. and G., 798; *ex parte* Turner, *re* Cumming, L. J. Rep., vol. 30, N. S., p. 29.

[‡] *Sherwood v. Sanderson*, 19 Ves., 280.

[§] *Ex parte* Glover, 1 Mer. 269; *re* Pinks, Shel., on Lun., 158; *ex parte* Ferne, 5 Ves., 831-2; *re* Sombre, 1 Mac. and G., 116; In *re* ——, L. J. Rep., vol. 28, N. S., 644; *re* Loveday, 1 De G., M. and G., 275. But see in *re* Windham, L. J. Rep., vol. 31, N. S., 720 Ch.

" It shall be lawful for the Lord Chancellor, intrusted as Lord Chancellor may order costs.
 " aforesaid, to order the costs, charges, and expenses of
 " and incidental to the presentation of any petition for a
 " Commission in the nature of a Writ *de Lunatico In-*
 " *quirendo*, or for any order of inquiry under ' The Lunacy
 " Regulation Act, 1853,' and of and incidental to the prose-
 " cution of any Inquiry, Inquisition, Issue, Traverse, or
 " other proceeding consequent upon such Commission or
 " order, to be paid either by the party or parties who
 " shall have presented such petition, or by the party or par-
 " ties opposing such petition, or out of the estate of the
 " alleged Lunatic, or partly in one way, and partly in another,
 " as the Lord Chancellor intrusted as aforesaid shall in each
 " case think proper; and such order shall have the same
 " force and effect as orders for the payment of money made
 " by the High Court of Chancery in cases within its
 " jurisdiction."

Under this provision, the Court in a recent case, held that unless there were grave reasons against such a course, the costs of the petition for an Inquiry must be paid by the alleged Lunatic, and so ordered accordingly.*

A surety under the Committee's bond is liable for unsatisfied costs directed to be paid by the Committee.† Surety's liability.

* In *re F* —, an alleged Lunatic, Law J., Rep., vol. 33, N.S., 333 Ch.

† *Re Lockett*, 1 Phill., 509.

CHAPTER XIX.

FEES AND PER-CENTAGE IN LUNACY, AND MODE OF PAYMENT.

Fees and per-centage in lunacy.	<p>ALL fees on proceedings in lunacy throughout the several offices of the Court are now, under the Act, 1853 (except those mentioned in <i>Sec. 29</i>), abolished ; and in lieu thereof a per-centage on the clear annual income of each Lunatic's estate is to be paid according to the several rates mentioned in Section 26. By Section 27, the Masters are from time to time to certify each clear annual income, and the amount of the per-centage payable thereon, and who is the person to make the payment. The person so named must make such payment out of the first moneys coming to his hands in respect of the Lunatic's income. Under Section 28, the per-centage is chargeable on the Lunatic's estate, notwithstanding his death, or a <i>supersedeas</i> or traverse (<i>Sec. 151</i>) before payment.</p>
Other cases chargeable.	<p>The provisions as to fees and per-centage are by Section 33 and General Order 33 extended to the existing matters in lunacy under the 8 and 9 Vic., c. 100, sec. 95, now repealed by the Lunacy Regulation Act (1853), Section 53 ; and also to certain cases where the Lunatic is out of the jurisdiction, but possesses property within it.</p>
Mode of ascertaining income.	<p>The income of the Lunatic upon which the per-centage is to be charged is usually ascertained at the time of passing the Committee's or Receiver's accounts in each matter ; but if any material change should, during any year, have arisen in the Lunatic's income, the Master's attention should at once be called to it, in order that the amount may be correctly ascertained, for the purpose of collecting the proper per-centage.</p>
Exemption.	<p>By Sections 30 and 32 the Lord Chancellor is empowered</p>

to alter and vary the per-centage and fees, and to exempt certain small cases from the payment of either.

All incomes under 100*l.* per annum are exempt from the payment of per-centage, but there is no exemption from fees, except under the special order of the Court. (*Sec. 32.*)

The per-centage and fees are by Section 31 and General Order 27 (1853) directed to be paid by stamps as in Chancery. Payment by stamps.

Attention may be specially directed to the General Orders (1853) from 27 to 33 on this head.

Mode of paying per-centage.

In cases where there is a fund in Court to the credit of the lunacy, the Master having fixed the per-centage, the amount is by his certificate carried over by the Accountant-General out of the dividends on the credit of the lunacy to the suitor's fee fund account, a course which is attended with a considerable saving of expense; but where there is no fund in Court, or the above course cannot conveniently be adopted, the Masters certify the several amounts of per-centage payable, and a notice signed by their Chief Clerk (*General Order 30*) is then addressed to the person to make the payments in each case, requiring the stamps for the amount to be filed at the office within a month from the receipt of the notice. Mode of paying per-centage.
Notice given for payment.

The stamps are required to be *impressed* upon the notice at the Stamp Office. For this purpose the parties must attend there, and pay the sum named in the notice, or the payment may be made through the Office Stationer, who makes a small charge for his trouble in the matter. Stamps to be impressed on notice.

The notice so stamped must be filed at the Masters' office, where a proper voucher is given. Filing notice.

The Masters are also, pursuant to the 32nd General Order, to certify the names of all Committees or others, who shall make default in paying the amount certified to be payable by them in respect of the above per-centage. Default in payment to be certified.

CHAPTER XX.

VISITORS, AND VISITING OF LUNATICS.

Visitors and visiting of Lunatics. THE Act 3 and 4 Wm. IV., c. 36, passed in 1833, constituting a Board of Visitors, and making provision for the care and treatment of Lunatics, is repealed by the Lunacy Regulation Act, 1853 (*Sec. 1*); and the per-centage payable under such repealed Act upon Lunatics' incomes is now merged in that, already mentioned, chargeable under Section 26 of the Lunacy Regulation Act, 1853, in lieu of fees. Under Section 20 of that Act, the Board was re-constituted, and further provision made for such care and treatment. (*Secs. 1, 16 to 24, and 104 to 107 of the Act.*)

But by the Act of 25 and 26 Vict., c. 86, previously referred to, called "The Lunacy Regulation Act, 1862," Secs. 104 and 105 of the Act of 1853, are repealed, and various other provisions (*Sec. 19 to 24, Act, 1862*), are made for superintending the care and treatment of the several Lunatics under the protection of the Lord Chancellor. (*For the Acts, see Appendix. See also the subsequent chapter, "As to the Duties of Committees."*)

CHAPTER XXI.

AS TO THE DUTIES AND POWERS OF COMMITTEES.

SECTION I. *Of Committee of the Person.*—II. *Of Committee of the Estate.*

SECTION I.—*Of Committee of the Person.*

THE duties of a Committee of the Person relate exclusively to the personal care of the Lunatic, the custody of whom is committed to him by the grant, or order operating as a grant. No *Habeas Corpus* is necessary for the delivery of the Lunatic to the Committee,* whose duty it is to fix upon the residence of the Lunatic, to select his attendants, to regulate the establishment, and to make all other provisions as to his maintenance, support, and comfort. In making these arrangements, the Committee should have regard to the scheme or plan of maintenance which was adopted at the time the allowance was fixed by the Master; and if change of circumstances lead him to depart from it, he must nevertheless see that the Lunatic has all the comforts and advantages which the sum so fixed for maintenance can provide.

The Committee should personally visit the Lunatic, if not residing with him, from time to time, at the periods fixed by the Court or Master; and the two points to which his attention should be particularly directed are,—first, to afford to the Lunatic everything which the allowance for maintenance will provide, and which can contribute to his comfort; and secondly, to see that every care is taken to promote his bodily health, and mental improvement; and for this latter object, that he has good medical advice.

* *Ex parte Cranmer*, 12 Ves., 445.

Accounting
for allow-
ance.

Should the allowance for the Lunatic's maintenance be "so much as shall be expended, not exceeding" a limited annual sum, the Committee must render to the Masters a yearly account of the expenditure. Or if the amount allowed for the maintenance cannot, with any advantage to the Lunatic, be expended, the Committee should take only so much as he expends, the balance remaining to the credit of the Lunatic's estate.

Although, generally, a Committee is not liable to account for the application of the allowance, yet in a case of gross fraud, or in the event of any doubt arising as to the due application of the sum allowed for the Lunatic's maintenance, he may be called upon by the Lord Chancellor to account for his expenditure, or be made amenable to the Court of Chancery, in a suit for the purpose.* And an appeal against an Order in Lunacy does not lie to the House of Lords, but to the Queen in Council.†

Visiting
Lunatics.

The Visitors of Lunatics, under the authority of the Lunacy Regulation Acts, 1853 and 1862 (*See page 82, and the General Orders of 12th January, 1855, given in the Appendix*), visit and report upon the care and treatment of each Lunatic, not in asylums, four times a-year, and those in asylums, once in every year, as may be directed by the Lord Chancellor. In making their visits, and the inquiries connected with them, they are furnished with a statement of the income of the Lunatic, and the scheme of the allowance for his maintenance; and in these respects they consider how far the accommodations provided appear to be adequate to the sum allowed for the purpose, and whether the Lunatic is maintained in a suitable and proper manner, and has the comforts which his malady and income admit of, and whether any addition should be made to his comforts, or any alteration should be made in the scheme for maintenance.

Visitors
furnished
with scheme
of mainten-
ance.

Reference to
the Masters
as to change.

Should the Visitors be of opinion that a change in any of these respects is desirable, the matter is considered by the

* *Dormer's Case*; and *Sheldon v. Fortescue*, 2 P. Wms., 262, and 3 P. Wms., 104.

† Same Case. *Vide also*, *Compton v. Oxenden*, 2 Ves., 260.

Board, who may refer it to the Master, or take such steps as appear to be expedient. If the matter be referred to the Masters, it is investigated by them, and the Committee is summoned before them to give such explanation as the circumstances seem to require.

It is also the duty of the Committee of the person of the Lunatic, with the concurrence of his usual medical attendant, if there be one in frequent attendance upon him, to make a report half-yearly to the Visitors of Lunatics, as to the state of mind and bodily health of the Lunatic, and also to report specially any important change occurring in his health.*

Committee
to report to
Visitors.

The custody of the person of the Lunatic being committed to the Committee of the person by the order, which now operates as a grant, he may, unless (as is sometimes the case) the place of the Lunatic's abode has been fixed by an order of the Lord Chancellor, vary such residence as occasion may require, and as may seem most for the comfort and advantage of the Lunatic; but if the place of residence has been so fixed by the order of the Lord Chancellor, or it has been directed that such residence shall not be changed without the permission of the Court, or the Master, then such permission must be obtained before any change of residence can be made.

Change of
Lunatic's
residence.

If it be desired to place the Lunatic in a public or private asylum, or to remove him from one asylum to another, it may be found convenient to refer to the provisions made on the subject by the several Acts of 8 and 9 Vic. c. 100 (*Sec. 44, 90—93*); 16 and 17 Vic., c. 96 (*Sec. 4, 8, 20, 23, 24*); and 16 and 17 Vic., c. 97 (*Sec. 82—87*).

But by Section 22 of the Act 25 and 26 Vic., c. 111, entitled, “An Act to amend the Law relating to Lunatics,” it is enacted, that “When a person has been found Lunatic by Inquisition an order, signed by the Committee appointed by the Lord Chancellor, and having annexed thereto an office copy of the order appointing such Committee, shall be a sufficient authority for the reception of such person into any asylum, hospital, licensed house, or other house,

* *Vide* forms relating to the visiting of Lunatics in Appendix.

“without any further order or any such medical certificates as are required by Section 90 of the Lunacy Act, Chapter 100, and Section 4 and 8 of the Lunacy Act, Chapter 96, and the provisions of the Section 90, of the Lunacy Act, Chapter 100, as to the visitation of every single patient once in every two weeks by a physician, surgeon, or apothecary, shall not apply to any person found Lunatic by Inquisition as aforesaid.” (See also Sec. 40 of the same Act, as to the correspondence of private patients, which is to be forwarded to the parties to whom it is addressed.)

On any change of residence of the Lunatic, the Committee must give *immediate* notice thereof to the Board of Visitors, whether it be for a short or long period, in order that the Visitors may be at all times enabled to visit him, as in the event of their being unable, on making their visits, to “discover the then residence of, or have been by any other circumstance prevented from actually seeing on that occasion, the Lunatic whom they intended to visit,” they are bound (*Act, 1853, Sec. 106*) to make a special report on the subject to the Lord Chancellor. The Committee must also give due information to the Board of his own abode, from time to time, and of the name and residence of the Lunatic’s medical attendant.

Access to the
Lunatic.

Access to the Lunatic is sometimes desired by persons, other than members of the immediate family; but in every case the Committee of the person, to whose care and custody the Lunatic is committed, is required to exercise his best discretion, so as neither on the one hand capriciously to deny a proper amount of social intercourse with the Lunatic’s family which he may be able in some cases rightly to appreciate, nor on the other to give too great a facility to those who, from interested motives only, may desire an inspection and examination for some other ulterior object than the benefit and advantage of the Lunatic.

In a case where access was desired by one having an interest in the Lunatic’s estate in the event of her death without having exercised a certain power of appointment,

in order to test her capacity to exercise the power, access was refused, the Lord Chancellor observing "that such a visit " might be very dangerous, and have a very bad effect in " irritating the mind of the Lunatic from the mere purpose " of the visit, without any intention of producing that " effect.*

In making his arrangements for the due care and protec- Marriage of Lunatic.
tion of the Lunatic the Committee will, of course, carefully guard him against the acts of any designing person who may seek to surprise him into any clandestine marriage, which, irrespective of its unseemly and unsuitable character, is not only a great contempt of Court but, is under the Act, 15 George 2, c. 30 (*given in the Appendix*), absolutely null and void during the existence of the Commission, or " before he shall be declared of sane mind."†

It is also necessary that the Committee should protect As to execution of a will or deed by Lunatic.
the Lunatic against any improper interference, or undue influence for the purpose of inducing him to make a will, which may subsequently lead to considerable litigation, and be productive of much mischief, since insanity having been once clearly established, the proof of recovery, or the existence of a lucid interval, and consequently the ability to make such will, or other disposition of his property, may rest with the party alleging such recovery.‡

The rules of judging as to insanity are the same both at Law and in Equity.§

Where it is directed that the Committee of the person Inventory of furniture.
should be at liberty to retain for the use of the Lunatic any of his furniture or effects, he is to sign an inventory thereof and an undertaking to deliver up the same when required so to do. The inventory and undertaking are to be deposited with the Masters (*Vide General Order 40, of 7th November, 1853, in Appendix*).

* *Ex parte Lyttleton*, 6 Ves., 7; see also *Anon*, 1 Vern., 155.

† *Ex parte Turing*, 1 V. and B., 140; *Ashe's case*, Pr. Ch., 203; *Smart v. Taylor*, 9 Mod., 98; 2 Eq. Ca., Abr. 583, 4.

‡ *Winchester's case*, 5 Co., 251; *Attorney Gen. v. Parnter*, 3 B. C. C., 440; *White v. Wilson*, 13 Ves., 88; *Booth v. Blundell*, 19 Ves., 494 b.

§ *Bennett v. Vade*, 2 Atk., 325.

SECTION II.—*Of Committee of the Estate.*

Duties of
Committee
of estate.

The duties of a Committee of the Estate (the nature of whose office is as stated at page 37, 8) are to receive the income of the Lunatic's estate; to pay all sums becoming due from it; to get in under the direction of the Masters any outstanding personal estate; to see to the due investment of all moneys of the Lunatic; and generally to collect, and sustain, and defend the Lunatic's estate as the Lunatic himself would do if of sound mind: obtaining, however, the sanction of the Lord Chancellor, or the Master, before taking any extraordinary steps.*

As to
repairs, &c.

Amongst other things the Committee is to see that the estate is properly kept in repair, and insured from loss by fire; or in the words of the bond "to see the houses, buildings, and structures of the Lunatic to be well and sufficiently repaired, and so kept and maintained during the continuance of the grant;"† and he has also to take charge, or to see to the safe custody, of the title-deeds relating to the Lunatic's estate. But should the Committee instead of retaining such deeds have deposited them in the Masters office, which he is generally at liberty to do, they may in the event of a question arising as to the Lunatic's estate on his death be directed to be retained in Court until the proceedings with respect to the Lunatic's estate may be determined.‡

Custody of
deeds.

Letting
estate.

The Committee is also to let the Lunatic's houses and land to eligible tenants, for the best rents he can obtain, at his own discretion if the letting be from year to year; or if on lease, then under the sanction of an order of the Lord Chancellor, previously obtained in the manner already pointed out; to take legal or other proceedings for the defence, and in the management of the Lunatic's estate; and, under the sanction of the Lord Chancellor's order, to execute deeds in

Management
of estate.

* Anon., 10 Ves., 103; *Ex parte Marton*, 11 Ves., 397; *Atty. Gen. v. Vigor*, 11 Ves., 563; *re Brown*, 1 M. and G., 201; *Re Langham*, 2 Phill., 299.

† *Ex parte Minor*, 11 Ves., 559; *re Skingley*, 3 M. and G., 231.

‡ *Ex parte Clarke, re Duchess of Norfolk, Jac.*, 589; *re Fitzgerald*, 2 Sch. and Lef., 440.

the name of the Lunatic.* He is also to collect and receive the rents and profits of the estate; to pay from time to time to the Committee of the person the sum allowed for the Lunatic's maintenance, unless other provision is made in that respect by the Lord Chancellor, and also to pay the several allowances which may be made to members of the Lunatic's family.† He must also pay in the manner already pointed out at page 81, the per-centage chargeable under the Act, 1853 (*Sec. 26*), on the income of the Lunatic; and to make all other necessary and proper payments and allowances on account of the Lunatic's estate. Maintenance.
Payment of per-centage.

Where in the management of the Lunatic's estate timber has been cut under the direction of the Lord Chancellor, the purchase moneys for it must be duly paid into Court to the credit of the matter, pursuant to the arrangements to be made on the application of the Committee for the purpose.‡

Where any order is made directing the Committee to pay sums for maintenance, he is to pay the same out of income in his hands; and where he is ordered to pay any sums for costs, he is to pay them out of any moneys coming to his hands, after providing for maintenance (*vide General Order 39, of November, 1853*). Payment of maintenance.

In the event of any alteration being deemed necessary in the scheme for the Lunatic's maintenance, it is the duty of the Committee of the estate to advise with the Committee of the person on the subject, and having regard to the Lunatic's income and estate and other circumstances, to submit the matter, through his Solicitor, to the Master, to be dealt with by him in such manner as may appear to be necessary and proper for the benefit of the Lunatic.§

* The mode of doing this is to sign the name of the Lunatic, adding "by — the Committee of his estate."

† An allowance may be made out of a Lunatic's estate for his illegitimate children, but not to their mother; *Ex parte Haycock, re Jones*, 5 Russ., 154; and an annuity may also be directed to be paid for the maintenance of a Lunatic's old servant, 1 Cr. and P., 76.

‡ *Vide Starkie*, 1 Russ., 476; and 1 Russ. and Myl., 369.

§ As to the separate estate of a married woman being Lunatic, and its receipt and application by her husband in their joint and separate maintenance, or otherwise

Where the Lunatic is entitled to a separate life estate in the hands of trustees having a discretionary power of applying it in the maintenance of the Lunatic, such life estate will be considered as the primary fund for her maintenance, her own absolute estate contributing only the difference required to make up the sum allowed for maintenance.*

An application for an advance out of a Lunatic's estate to his son, to enable him to purchase an estate, was refused.†

Passing
accounts.

The Committee must also keep regular accounts of his receipts and payments; and pass his annual or other accounts within the time appointed by the Masters for that purpose, paying into Court, and causing to be invested, within the time also appointed, the balances due from him on passing his accounts. For any irregularity in these respects he is liable to be discharged,‡ and in the event of the Lunatic's death he may be required by a suit in Chancery to render an account of his dealings with the Lunatic's estate.§

Investing
surplus
cash, &c.

He has also to take such steps as may be necessary from time to time for the accumulation of the dividends on the fund in Court; but in the absence of any special order providing for these accumulations, the Masters are empowered by the 16th General Order of 1853, to direct the investment of any cash or dividends standing in Court to the credit of any particular matter; and for the purpose of any such investment the Committee must obtain, through his Solicitor, the Master's certificate.

Actions and
suits of
Lunatic.

If an action at law should be required to be commenced on behalf of the Lunatic, his own name, and not that of the Committee of the estate, is used as plaintiff; and so also in an action against him, he, and not his Committee, is made the defendant.||

But in suits in Equity both the Lunatic and his Com-

see *Att.-Gen. v. Parnther*, 4 B. C. C., 408; *Nettleship v. Nettleship*, 10 Sim., 36; *Brodie v. Barry*, 2 V. and B., 36, 408; *Digby v. Howard*, 4 Sim., 588; *Edwards v. Abrey*, 2 Co., T. C. L., 177.

* *Rudland v. Crozier*, 27, L. J. Rep., N. S., 261 ch.; *re Ashley*, 1 Russ. and M., 371.

† *Re Thomas*, 3 Phill., 169 (*vide* also as to allowances to Lunatic's family, p. 22-4).

‡ *Re Lockett*, 1 Phill., 589.

§ *Scammell v. Light*, L. J. Rep. 32, N. S. 53, Ch.

|| *Tyrell v. Jenner*, 3 M. and P., 648.

mittee are made parties; and if the interest of the Committee is adverse to that of the Lunatic, the latter being defendant, and the Committee plaintiff, a guardian should be appointed on behalf of the Lunatic.*

A suit by the Attorney-General on behalf of a Lunatic will lie to secure his property.†

A writ *ne exeat Regno*, may issue on the affidavit of the Committee of the estate.‡

The Committee of the estate can, under the sanction of ^{As to Divorce, &c.} the Lord Chancellor, institute proceedings, and maintain a suit in the Divorce Court for a judicial separation, on the ground of adultery;§ but it seems to be doubtful how far a suit for a *divorce* can be prosecuted during the continuance of the lunacy, since, if the Lunatic should recover, he might condone the adultery.

A visitatorial power vested in a Lunatic is executed, ^{Lunatic as a Visitor of Charity.} not by the Committee, but by the Crown, through the Lord Chancellor, on his behalf.||

The Committee of the estate cannot present to a vacant ^{Presentation to Benefice.} benefice of which the Lunatic is patron; but should, through his Solicitor, communicate with the Secretary of Presentations of the Lord Chancellor, who is entitled to make the presentation, and has in making it, due regard to the interests of the Lunatic's family.¶

But where the Lunatic is, himself, the incumbent of a ^{Lunatic Incumbent and Curacy.} benefice, the Committee of the estate should communicate with the Bishop of the particular diocese, with a view to the nomination of a proper curate to take the spiritual charge of the parish, in lieu of the Lunatic, whose estate must bear the stipend assigned, to be paid by the Committee.**

Although a Committee of the estate (as mentioned at ^{Committee's costs and expenses.} page 38) gets no allowance for his care and trouble, he

* *Snell v. Hyatt*, 1 Dick., 287.

† *Atty. G. v. Parnther*, 3 B. C. C., 440-1, S. C., 2 Dick., 748.

‡ *Stewart v. Graham*, 19 Ves., 312.

§ *Woodgate v. Taylor*, Law J. Rep., Vol. 30, N. S., 197.

¶ *Vide* 1 Coll., Id. and Lun., 363, and case there cited, 13 Ves., 519.

¶ 4 Com. Dig., 4 Vol., 484; 1 Wood, Lect., p. 409, 2 Sch. and Lef., 437.

** 1 and 2 Vic., c. 106, sec. 79.

is nevertheless allowed all his proper costs, charges, and expenses in the management of the Lunatic's estate under the direction of the Court, especially where the lettings are numerous;* and the lien which he is considered to have upon the Lunatic's estate for such costs, may be transferred to his Solicitor.†

Auctioneer
and Sale.

An auctioneer selling property of the Lunatic under the authority of the Court, and having lodged his claim with the Master, may be restrained from suing the Committee's Solicitor in the matter, for his fees.‡

Furniture
and
Inventory.

If the Court should not have directed a sale of the furniture and effects of the Lunatic, because of its unwillingness to defeat his intention with respect to a bequest of it, or for any other reason, but has instead directed it to be retained for his use, by the Committee of the estate, he (the Committee) must sign an inventory and undertaking as to such furniture and effects, as pointed out at page 87 (*vide General Order 40, of 7 Nov., 1853*).

As to
sureties.

Lastly, the Committee should, from time to time, see that his sureties, who are responsible for any breach of his duty,§ are living, and in good circumstances, as on the passing of his accounts he is required, under the General Orders of 1853 (18 and 21), to make affidavit that his sureties have not died, or been declared bankrupt or insolvent (*vide Act, 1853 and General Orders 15—21, 30, 32, 36, 45, 53—56, of 7 Nov., 1853*).

AS TO CASES OF SMALL PROPERTY UNDER "THE LUNACY REGULATION ACT, 1862."

Cases, small
property.

The previous portion of this work has had relation, chiefly, to the proceedings under *Inquisitions* in lunacy. It is, therefore, necessary now to refer to another class of cases which has arisen under the Act already alluded to, called

* *Re Westbrook*, 2 Phill., 631.

† *Re Weaver*, 2 Myl. and C., 441.

‡ *Barnsley v. Powell*, Amb., 102.

§ *Re Lockey*, 1 Phill., 509.

"The Lunacy Regulation Act, 1862," being the Act of 25 and 26 Vic., c. 86, intituled, "An Act to amend the law relating to Commissions of Lunacy, and the proceedings under the same, and to provide more effectually for the visiting of Lunatics, and for other purposes." The object of this Act was to provide, in a summary and inexpensive manner, the means of making available the estates of those insane persons whose property, being of a small amount, could not bear the more expensive proceeding by Inquisition and grant of custody. By Section 12 (extending the provisions of Section 120 of the Act of 1853), it is provided, that "where by the Report of one of the Masters in Lunacy, or of the Commissioners in Lunacy, or by affidavit or otherwise, it is established to the satisfaction of the Lord Chancellor intrusted as aforesaid, that any person is of unsound mind and incapable of managing his affairs, and that his property does not exceed one thousand pounds in value, or that the income thereof does not exceed fifty pounds per annum, the Lord Chancellor intrusted as aforesaid may, without directing any Inquiry under a Commission of Lunacy, make such order as he may consider expedient for the purpose of rendering the property of such person, or the income thereof, available for his maintenance or benefit, or for carrying on his trade or business: Provided, nevertheless, that the alleged insane person shall have such personal notice of the application for such order as aforesaid as the Lord Chancellor shall, by General Order to be made as after mentioned, direct."

Section 13 empowers the sale of the land or other property of any such insane person, for his benefit; Section 15 gives power to apply the property of persons acquitted on the ground of insanity for their benefit; and Section 14 authorises the Lord Chancellor (alone) to make General Orders to carry into effect the objects of Sec. 12 and 13. And by Sec. 2 the provisions of the Act of 1853 are to apply generally, so far as they can, in the same way as if this Act of 1862 had been incorporated with, and formed part of, the Act of 1853.

- Orders.** Under the powers thus conferred the Lord Chancellor has made certain General Orders, bearing date the 7th day of November, 1862, for carrying out the provisions of the Act. By the first of these orders it is directed that they "shall be read and construed according to the interpretations" and directions contained in the 3d, 4th, 5th, and 6th of "the General Orders in Lunacy, dated 7 November, 1853;" and the mode of procedure under the Act is then pointed out as follows, viz.: Order 3 directs that all applications under the Act shall be made by petition to the Lord Chancellor, signed by the petitioner, and attested by a Solicitor of the Court (as in cases by inquisition) according to the form given in the Schedule to the Orders. And by Order 4 notice is required to be given personally to the alleged insane person, of the presentation of the petition according to the form therein stated. An affidavit of service of the petition, stating particularly the time and place and mode of service, (Order 5), is to be filed with the Registrar. Under Order 6 the alleged insane person may, by notice, object to any Order, and Order 7 directs the mode of procedure upon the petition, upon which an order may at once be made, without any attendance of Counsel, &c., or the petition may be
- Petition to Lord Chancellor.**
- Hearing.** set down for hearing, or the matter may be referred generally or specially to the Masters, to inquire and report upon.
- Procedure.** Orders 8 and 9 direct the nature of the enquiries by the Masters, who, under Order 10, are to report, and their reports are to be dealt with in the manner prescribed by the Act of 1853.

For the purpose of the proceedings before the Masters, they are, if needful, to call before them the kindred of the alleged insane person; and all proceedings, except as stated, are to be conducted (Order 12) according to the General Orders and the Rules and Practice in Lunacy.

Pursuant to these provisions the Petition, the form of which is given in the above Orders, must be lodged with the Registrar in Lunacy supported by evidence as to the nature of the lunacy, kindred, property, and other matters. The

affidavit of one medical man (physician, or surgeon) may ^{Evidence.} generally be sufficient; but if further evidence be needed the Registrar will, of course, intimate this to the Solicitor having charge of the proceeding.

Especial care should be taken to show that the entire ^{Value of} property of the alleged insane person is *within the prescribed limit* (Sec 12), and that if a sale (Sec. 13) of any part of it should be necessary, the nature of it is such as to render the sale readily practicable and inexpensive, as if any doubt should arise on the subject the Court may have difficulty with the case, and the expense of the proceedings, so far, may have been needlessly and unsuccessfully occasioned. If the Court be satisfied on the several matters referred to in the petition and evidence (which are submitted through the Registrar in the first instance), an order may at once be made appointing a proper person, proposed by the parties, to receive and apply the insane person's property in his maintenance and for his benefit. But if it should appear (on a consideration of the case, Order 7) to be necessary, ^{Order} the matter will be directed by the Lord Chancellor or the ^{appointing} Lords Justices, to be heard in Court in the usual manner, ^{person to} and such order will be made as the circumstances may seem ^{receive, &c.} to require.

Before the order is completed, an undertaking will be ^{Undertaking} required from the person appointed to receive the funds, to ^{to apply} apply them as directed by the order; or he may be called ^{funds.} upon to give security for the due application of such funds and the fulfilment of his duty as prescribed by the order, such security to be settled and approved by the Masters in Lunacy, and the order not to take effect until the completion of the security should be certified by the Masters.

The above Act and orders with the several forms of the ^{Forms of} proceedings, costs, and other matters, are given in the Ap- ^{proceedings.} pendix. From these, in connexion with the observations and suggestions with reference to the Practice in Lunacy generally, it is conceived that the Solicitor may be able without much difficulty to prepare his application in any case in which his professional services may be desired.

Cases heard. Several cases have already been heard before the Court ; and perhaps the attention of the Solicitor may, with reference to the conduct of the matters contemplated by the Act, be usefully directed to the published reports of two of such cases, namely, one in which the word "property" was held to mean "clear property ;"* and the other,† in which it was determined that "The Chancellor intrusted, &c., "in directing the sale of the real estate of a lunatic married woman, has no statutory power of passing the legal estate "in the property, by which her acknowledgment under the "Fines and Recoveries Act could be dispensed with ; but "a conveyance by the Committee,‡ under the direction of "the Court, would vest an equitable estate in the purchaser, "and bind the heir."

* *Re Adams*, Law Times, Vol. IX., N.S., Ch. 626.

† *Re Stables*, Jurist, Vol. X., N.S., 245 Ch.

‡ The person appointed to receive and apply funds, &c.

APPENDIX.

PART I.

FORMS OF PROCEEDINGS ON APPLICATION FOR INQUIRY UNDER "THE LUNACY REGULATION ACT, 1853."

(*Vide Chapter 2, page 4.*)

PETITION FOR INQUIRY.

In the matter of A. B., a supposed Lunatic.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble Petition of R. H., of —, and R. I., of —,

Showeth,

That A. B., now residing at —, is now and for the space of — last past hath been of unsound mind, and altogether unfit and unable to govern herself or to manage her affairs, as by the [accompanying affidavits or the] affidavits hereto annexed appears.

That your petitioner R. H. is the maternal nephew of the said A. B., and your petitioner R. I. the nephew of B. B., the late husband of the said A. B.

Your petitioners, therefore, humbly pray your Lordship that the Masters in Lunacy, or one of them, may be directed to inquire and certify concerning the lunacy of the said A. B.

And your petitioners shall ever pray, &c.

R. H.

R. I.

Witness to the signing by the said R. H. and R. I.

K. H., Solicitor of (*address*).

ANOTHER FORM OF PETITION FOR INQUIRY.

In the matter of A. W., of —, Spinster, a supposed Lunatic.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble Petition of G. M. S., and E., his wife, of —, which said E. S. is the only sister, and sole next of kin of the said A. W.,

Showeth,

That the said A. W. now is, and for some time last past hath been, so far deprived of her reason and understanding as to render her altogether unfit or unable to govern herself or manage her affairs, as by the affidavits hereunto annexed appears.

Your petitioners, therefore, humbly pray your Lordship that the Masters in Lunacy, or one of them, may be directed to inquire and certify concerning the lunacy of the said A. W.

And your petitioners will ever pray, &c.

G. M. S.
E. S.

Witness, J. R., of (address),
Solicitor to the petitioners.

(Date.)

ORDER FOR INQUIRY.

(*Vide page 8.*)

In the matter of G. H., a supposed Lunatic.

Whereas S. H., Widow, the Mother of the above-named G. H., has preferred her petition in this matter, stating as therein is stated, and praying that one of the Masters in Lunacy may be directed to inquire whether or not the said G. H. is a person of unsound mind, and incapable of managing his affairs. Now upon reading the said petition, the affidavit of the said S. H., sworn the — day of — last, the affidavit of T. H. L., sworn, &c., the affidavit of P. M. P., sworn, &c., the affidavit of S. C., sworn, &c., and the affidavit of P. B. C., sworn, &c., of the due service of notice of the presentation of the said petition on the said G. H., on the — day of — instant, we do order that Francis Barlow and Samuel Warren, Esquires, the Masters in Lunacy, or one of them, do, in pursuance of the General Commission, under the Great Seal of Great Britain, to them for that purpose directed, inquire concerning the alleged lunacy of the said G. H., now an inmate of the asylum called, &c., situate, &c. And we do further order that the said inquiry be held at the place of abode of the said G. H., or as near thereto as conveniently may be.

J. L. KNIGHT BRUCE, L.J.
G. J. TURNER, L.J.

L. S.
Entd., C. N. W.

AFFIDAVIT OF PHYSICIAN IN SUPPORT OF PETITION.

(Vide page 5.)

IN LUNACY.

In the matter of A. B., a supposed Lunatic.)

I, E. T. M., of, &c., Esq., Doctor of Medicine, make oath and say as follows (viz.) :—

1. That I did, on the — day of — instant, visit A. B., of —, and then saw and conversed with her, and that according to the best of my judgment, opinion, and belief, and from the observations made by me on such visit, and from the delusions under which the said A. B. labours, I am of opinion that she is now decidedly of unsound mind.

2. That one delusion under which the said A. B. labours, and that which appears mostly to occupy her attention, is on the subject of religion, and the recollection of her deceased husband; but her discourse with me on religious subjects was of the most wild and insane description, and in the mention she made of her deceased husband, she always associated it with religious subjects, and her conversation thereupon was equally indicative of delusion of the most extravagant nature and of unsoundness of mind.

3. That on the occasion of such visit, the said A. B. was under an impression, and informed me, that she was going up to Paradise in a few minutes, and in my judgment and opinion, there is much danger to be apprehended from the said A. B. not being placed under proper restraint.

4. I again visited the said A. B. on the — day of — instant, and then saw and conversed with her, when she informed me again that she expected every minute to go to Paradise.

5. I say, from the conduct, manners, and discourse of the said A. B., I am of opinion, and have no doubt that she is of unsound mind, and unfit for the management of her affairs.

Sworn, &c.

ANOTHER AFFIDAVIT OF PHYSICIAN.

IN LUNACY.

In the matter of A. B., of —, a supposed Lunatic.

1. I, C. D., of, &c., Doctor of Physic, make oath and say, that on the — day of — last, at the request of —, a — of the above-named A. B., I visited the said A. B., at, &c., for the purpose of ascertaining the state of her mind.

2. That from my examination of the said A. B., I am decidedly of opinion that she is of unsound mind, and wholly incapable of the management of herself or her affairs, or of the care of property;—and that I formed such opinion from, &c. (*stating grounds*).

Sworn, &c.

ANOTHER AFFIDAVIT OF PHYSICIAN.

IN LUNACY.

In the matter of A. B., a supposed Lunatic.

1. I, C. D., of, &c., M.D., make oath and say, that by the desire of E. F., of, &c., I visited the said A. B., at the Asylum kept, &c., on the — day of —, and, &c., for the purpose of investigating the state of mind of the said A. B.

2. That I took great pains to examine into the intellectual capacity of the said A. B., and from such examination I am firmly convinced that the said A. B. is a person of unsound mind, and totally incapable of governing himself, or of managing his affairs; and that the unsound state of mind of the said A. B. was rendered manifest by a very great loss of memory and understanding, so as to render him incapable of understanding, or of directing and continuing his attention to any subject.

Sworn, &c.

AFFIDAVIT OF PHYSICIAN.

IN LUNACY.

In the matter of A. C., an alleged Lunatic.

I, A. J. S., of, &c., M.D., make oath and say—

1. That the said A. C., named in the petition of E. B. C., was admitted under my care at, &c., on the — day of, &c., and she is still under my care.

2. I say that she was incoherent in her conversation, and frequently had sudden and violent paroxysms of mania, when she became dangerous to those around her.

3. That the said A. C. is now in a state of fatuity, and seldom speaks to any one, but the violence of conduct has much abated; that I have had frequent opportunities of watching the progress of the case, having visited her regularly twice, and frequently three times every week: and I am of opinion that the said A. C. is of unsound mind, and incapable of managing herself and her affairs.

Sworn, &c.

AFFIDAVIT OF SURGEON OF LUNATIC.

IN LUNACY.

In the matter of A. B., a supposed Lunatic.

I, C. D., of, &c., Surgeon, make oath and say—

1. That for the last — years I have known, and been professionally concerned as the medical attendant upon the said A. B., and that in the month of —, in company with —, Doctor of Medicine, I visited the said A. B., and

found that he was labouring under a disease of the brain, produced, in my judgment, by distress of mind, arising from anxiety of business, and was then wholly unfit for the management of himself and his affairs.

2. That I visited the said A. B. on the — day of —, at —, and examined him as to the then state of his mind. And in my judgment and belief, he is now in a state of unsoundness of mind, and totally insufficient for the management of himself and his property.

3. The unsoundness of the mind of the said A. B. is rendered manifest by a supposition on his part that he has lately come into property to a great amount, that he is divorced from his wife, and that he is going to be married to the daughter of the Duke of R—.

Sworn, &c.

AFFIDAVIT OF SURGEON AND APOTHECARY.

IN LUNACY.

In the matter of A. B., a supposed Lunatic.

I, C. D., of, &c., Surgeon and Apothecary, make oath and say—

1. That I have for — years last past, known and been acquainted with A. B., lately of —, in the county, &c., but now confined in the, &c., and that on the — day of —, in consequence of the said A. B. having attempted to destroy himself, I attended him professionally.

2. That I again attended the said A. B. on, &c., and continued to do so from that day until the — day of, &c., on which last-mentioned day I signed a certificate for the confinement of the said A. B., believing him to be deprived of his reason and understanding, and no wise capable, and wholly unfit to manage himself and his affairs.

3. The said A. B. was, on or about the — day of —, removed from his residence at — aforesaid, to the asylum, at which place he has ever since been confined.

Sworn, &c.

AFFIDAVIT OF MEDICAL ATTENDANT OF ASYLUM.

IN LUNACY.

In the matter of A. B., a supposed Lunatic.

I, C. D., of —, make oath and say—

1. That I have, since the — day of —, and am now the resident Surgeon of the Lunatic Asylum at, &c., and that during the time the said A. B. has been and is now confined in the said Asylum, as a person of unsound mind and understanding.

2. That from such time until the present period, the conduct and discourse of the said A. B. has been wild, incoherent, and irrational, and he is decidedly of

unsound mind and understanding, and altogether unfit for the management of himself or his affairs.

3. I saw the said A. B. on the morning of this — day of —, when he was still in the same unsound state of mind as above described.

Sworn, &c.

AFFIDAVIT OF KEEPER OF ASYLUM.

IN LUNACY.

In the matter of A. B., a supposed Lunatic.

I, C. D., of —, in the county of —, make oath and say—

1. That in and prior to the year —, I kept an asylum for the reception of persons of unsound mind, and that on or about the — day of —, I, at the desire of, &c., received into my care and custody the above-named A. B., as a person of unsound mind and understanding.

2. That the said A. B. hath ever since continued, and now is at — afore-said, under my care and custody; and that the conduct and discourse of the said A. B., from the time of entering the establishment until the present period, has been wild, incoherent, and irrational.

3. At times he is exceedingly noisy and violent, in language and gesture, charging persons with bewitching him, taking out his eyes and putting in glass ones, cutting off his arms and legs, sometimes refusing his food, saying it is poisoned, that there are persons in his room and under his bed nightly, with whom he is obliged to have intercourse.

4. At times he would (if left to himself) stand in one position for hours—he will frequently talk of persons as though they were present, although they have for some time past been dead; and, in short, his general behaviour has been that of an insane person.

5. I saw the said A. B., this morning, when he was decidedly of unsound mind and understanding, and altogether unfit for the management of himself and his affairs.

Sworn, &c.

AFFIDAVIT OF A SERVANT.

IN LUNACY.

In the matter of A. B., of —, a supposed Lunatic.

1. I, C. D., [*Servant*] to A. B., lately residing at, &c., and now a patient in — for the reception of insane persons, situate, &c., make oath and say, that I have been in the service of the said A. B. for nearly — years.

2. That about two years since the said A. B. had a severe illness, by which the said A. B. was confined to his bed and bedroom for nearly — months; and that after partially recovering from the attack, he became greatly depressed in spirits, and continued so for a long period.

3. During that depression, the said A. B. utterly refused to take any exercise,

even in his own garden, or to ride out, although he had a carriage and horses standing idle, and refused also to see many of his former friends and associates.

4. Lately, and within the last four months, the said A. B. hath gradually passed to an excited state of mind, and at the end of March became highly excited, and that during his excitement he gave way to uncontrollable passion, displaying much violence of gesture and language on the most trivial matters which displeased him.

5. He has frequently of late purchased numerous plants for his greenhouse, at great expense, which, at the time of their being purchased, he would praise in the most extravagant terms, and after having them a few days, would become suddenly averse to them, and would give them away indiscriminately, and also despoil them by cutting them imprudently to obtain the flowers.

6. That on the — day of —, the said A. B. tied his handkerchief, the bed-linen and bed-hangings into knots, and proceeded to commit many other extravagant acts, deranging the furniture in the various bed-rooms, decorating himself with pieces of calico, and conducting himself in other respects in a manner totally at variance with the conduct of a person of sound mind.

Sworn, &c.

AFFIDAVIT AS TO KINDRED AND PROPERTY.

IN LUNACY.

In the matter of A. B., a supposed Lunatic.

I, C. D., of, &c., make oath and say as follows (namely) :—

1. That the said A. B. is my only surviving brother, and is a bachelor about the age of —, and that I and the said A. B. are the only surviving children of —, formerly of, &c., who died about, &c.

2. That I have examined some deeds and papers belonging to the said A. B., now in my custody, and such deeds and papers show (as I had previously been informed, and believe) that the said A. B. is possessed of a house and premises at —, in the county of —, let at about £ — per annum.

3. That the said A. B. is also entitled to a moiety of a sum of £ — in the —, and also to the following sums invested on mortgage or other securities :—
[describe them, and state particulars of any other property briefly].

Sworn, &c.

AFFIDAVIT AS TO KINDRED.

IN LUNACY.

In the matter of A. B., of, &c., a supposed Lunatic.

I, C. D., of, &c., make oath and say, that A. B., of, &c., an establishment for the reception of persons of unsound mind, and formerly residing at, &c., is a bachelor, and that I am his only brother. He has no sister, and my father and mother are both dead.

Sworn, &c.

ANOTHER AFFIDAVIT AS TO PROPERTY.

IN LUNACY.

In the matter of A. B., a supposed Lunatic.

I, C. D., of —, in the county of —, make oath and say—

1. That I know, and am well acquainted with the above-named A. B., and of the nature and amount of his property, having acted as his solicitor and legal adviser for many years.

2. The property of the said A. B. consists of the particulars following only, that is to say [*state them briefly*]. * * * * *

3. The whole of the said property is subject to mortgages to the amount of £—, the interest whereof, and other charges, amount to £—; and that he is also possessed of household furniture worth about £—, and of cash at the bankers the sum of £—. Also outstanding debts to the amount of about £—, and a policy of insurance on his own life for £—.

4. The said A. B. has a wife and one child only, a daughter, now of the age of —, or thereabouts, entirely dependent upon him for support, and that they have no means of subsistence other than from the said property; and the bankers of the said A. B. refuse to pay over the cash in their hands to any party unless to a person duly authorized to receive it.

Sworn, &c.

AFFIDAVIT OF SERVICE ON ALLEGED LUNATIC OF PETITION FOR INQUIRY.

(Vide page 6.)

IN LUNACY.

In the matter of G. H., a supposed Lunatic.

I, P. B. C., of, &c., Gentleman, make oath and say—

1. That I did, on the — day of, &c., personally serve the above-named G. H. with a copy of the petition in this matter, presented on the — day of — last, to the Lord Chancellor, by S. H., of, &c., Widow, by delivering to, and leaving with the said G. H., at the asylum of, &c., situate, &c., a true copy of such petition.

2. And I say that on the copy of the said petition, so served as aforesaid, was endorsed a notice in the words following, that is to say: "Mr. G. H., 'Take "notice, &c.'" (*as in 7th General Order*); and that such notice was signed by S. C., of, &c., aforesaid, solicitor to the said petitioner.

Sworn at, &c.

CAVEAT AGAINST ORDER FOR INQUIRY.

(*Vide page 6.*)

IN LUNACY.

In the matter of A. B., of —.

Caveat against any Petition for an Inquiry in Lunacy herein without notice to C. D., of, &c., solicitor on behalf of —.

Dated this — day of —, 186 .

(*Signed*)

PETITION OF WIFE TO BE AT LIBERTY TO APPEAR ON OPENING INQUIRY.

(*Vide page 12.*)

IN LUNACY.

In the matter of D. G., a supposed Lunatic.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble petition of A. G., the wife of the said D. G.,

Showeth,

That the said D. G., on or about the — day of —, intermarried with your petitioner, at, &c.

That by an order made in the above matter, on, &c., it was ordered that the Masters in Lunacy should inquire of the lunacy of the said D. G.

That the said Inquiry is to be opened at, &c., on, &c., and it is very material that your Petitioner, as the wife of the said D. G., should be at liberty to attend on the said Inquiry, by her counsel and solicitor.

Your Petitioner therefore humbly prays your Lordship that she may be at liberty to attend the execution of the said inquiry, by her counsel and solicitor, and that due notice of any adjournments thereof may be duly given to your Petitioner.

And your Petitioner will ever pray, &c.

Note.—This petition should be supported by affidavit verifying the facts stated.

ORDER MADE ON SUCH PETITION.

(*Date.*)

Now upon reading the said petition, and the joint affidavit of, &c., I do think fit and hereby order that the said petitioner, A. G., be at liberty to attend the execution of the said Inquiry, by her counsel and solicitor, and that due notice of any adjournment thereof be duly given to her. And I do reserve the consideration of the costs of such attendance until after the execution of the said Inquiry.

FORMS OF PROCEEDINGS ON INQUIRY AND INQUISITION.

(Vide page 4.)

GENERAL COMMISSION TO THE MASTERS.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to her beloved Francis Barlow and Samuel Warren, Esquires, the Masters in Lunacy, Greeting.—Know you that we have assigned you, or one of you, to inquire whether the several persons concerning whom our High Chancellor of Great Britain, or the Lords Justices of our Court of Appeal in Chancery, entrusted by us with the care and commitment of the custody of Lunatics and their estates, shall, by order, from time to time, direct you, or one of you, to inquire, are Lunatics, or enjoy lucid intervals, so that they respectively are not sufficient for the government of themselves, their manors, messuages, lands, tenements, goods and chattels, at the respective times of your inquiries, and if so, from what respective times, in such cases as our Lord Chancellor or Lords Justices, entrusted as aforesaid, shall so direct. And we command that the inquiries aforesaid shall be made by you, or one of you, by the oath of good and lawful men, in such cases as our High Chancellor or Lords Justices, entrusted as aforesaid, shall, by their order, so direct, or as you shall think fit and certify to be expedient to be inquired of before a jury, and in all other cases without such oath as aforesaid. And we command you, or one of you, that at certain days and places, which you shall for this purpose from time to time appoint, you diligently make Inquisition in the premises, and the same distinctly and plainly made to us into our Chancery, under the seals of you, or one of you, and the seals of those other persons, if any, by whom it shall be made without delay, from time to time you send. And we command, by the tenor of these presents, our Sheriffs of our several counties in that part of our United Kingdom called England and Wales, that in the cases aforesaid, which are to be inquired into before a jury, as well as by you, or one of you, at certain days and places, which you shall make known to them respectively, they cause to come before you, or one of you, so many and such good and lawful men of their respective bailiwicks, as well within liberties as without, by whom the truth of the matter in the premises shall be better known and inquired into. In testimony whereof we have caused these our letters to be made patent. Witness ourself at Westminster, the — day of, &c.

WILDE.

PRECEPT TO SHERIFF (WHERE A JURY).

(Vide, page 11.)

L. S.

By virtue of Her Majesty's General Commission, under the Great Seal of Great Britain, bearing date at Westminster, &c., directed, &c., and an order of

the Right Honourable, &c., made on, &c., to inquire whether — be a lunatic or not. These are therefore to will and require you to cause to come and appear before the said Commissioners, or one of them, twenty-four honest and lawful men of your county, on —, the — day of —, at — o'clock in the — noon of that day precisely, at the house of —, commonly called, and known by the name or sign of —, situate at —, and then and there, upon their oath, to inquire of the lunacy of the said —, and of all such matters and things as shall be given them in charge by virtue of the said Commission, and hereof fail not at your peril.

Given under the hand and seal of me, — Esquire, one of the said Commissioners, this — day of —, one thousand eight hundred, &c.

To the Sheriff of the —
— or his Deputy.

L. S.

RETURN TO PRECEPT.

(*Vide, page 11.*)

Panel.

To Wit. The names of the jurors to inquire of the Lunacy of A. B.

* * * * *

T. H. ESQUIRE,
Sheriff.

Return to Precept.

The execution of this precept appears in
a certain panel hereunto annexed

The answer of
T. H. ESQUIRE,
Sheriff.

PRECEPT TO SOLICITOR (WHERE NO JURY).

(*Vide, page 10.*)

In the matter of A. B., an alleged Lunatic.

L. S.

By virtue of Her Majesty's General Commission, under the Great Seal of Great Britain, bearing date, &c., directed, &c., and of an order of, &c., made, &c., to inquire whether A. B., of, &c., be a Lunatic or not, I, F. B., one of the said Commissioners, do hereby appoint to proceed on such Inquiry at — o'clock in the — noon precisely of the — day of —, at the house, &c., situate, &c.

Given under my hand and seal, this — day of —, 186—.

L. S.

To Messrs. —, the Solicitors for the
Petitioner in the above matter.

SUMMONS TO PRODUCE ALLEGED LUNATIC.

(Vide page 12.)

L. S.

By virtue of Her Majesty's General Commission, under the Great Seal of Great Britain, bearing date, &c., directed to, &c., the Commissioners therein named, and an order of, &c., made, &c., to inquire whether — of —, in the county of —, be a lunatic or not. These are to will and require you to produce before the said Commissioners, or one of them, the said —, at the execution of the said Inquiry, at the house commonly called, &c., situate at, &c., on, &c., there to be examined touching the matters aforesaid. And you are to give [him] notice accordingly, as also to any other person or persons who are guardians of [him], or trustees of [his] estate, that they may appear in [his] defence if they shall think fit. Given under the hand and seal of me, —, one of the said Commissioners, this — day of, &c.

L. S.

To —, or such other person or persons
as now have the said — in their
custody or power.

SUMMONS TO WITNESS.

(Vide page 11, 12.)

L. S.

By virtue of Her Majesty's General Commission, under the Great Seal of Great Britain, bearing date, &c., directed to, &c., the Commissioners therein named, and an order of, &c., made on, &c., to inquire whether — be a Lunatic or not. These are to will and require you that you personally be and appear before the said Commissioners, or one of them, on —, the — day of —, at — o'clock in the — noon of that day precisely, at the house of, &c., situate, &c., then and there, upon your oath, to testify the truth according to your knowledge touching the lunacy of the said —, and all such matters as shall be demanded of you by virtue of the said Commission and order. Hereof fail not at your peril.

Given under the hand and seal of me, —, Esquire, one of the said Commissioners, this — day of —, one thousand eight hundred and sixty, &c.

L. S.

To, &c.

OATHS OF JURY AND WITNESSES.

*(Vide page 12.)**Oath of Foreman of Jury.*

You shall well and truly enquire of the lunacy of A. B., by virtue of Her Majesty's Commission and the Order just read, and of all such other matters

and things as shall be given you in charge by virtue thereof, and a true verdict give according to the evidence.

So help you God.

Oath of remainder of Jury.

The same oath your foreman hath taken on his part you and each of you shall well and truly observe and keep on your respective parts,

So help you God.

*Oath of Witness.**

The evidence you shall give the Court and jury sworn touching this Inquiry, shall be the truth, the whole truth, and nothing but the truth,

So help you God.

Oath of Interpreter.

You shall well and truly interpret to the witnesses all such questions as shall be demanded of [her or him] by virtue of this commission and order, and [her or his] answer thereto,

So help you God.

(Affirmation of a Quaker Juror.)

(*Vide Acts 7 and 8, W. III., c. 34; 13 and 14 W. III., c. 4; 1 Geo., I., Stat. 2, c. 6; 8 Geo. I., c. 6.*)

I, C. D., do solemnly, sincerely, and truly affirm and declare, that I will well and truly inquire of the lunacy of A. B., by virtue of Her Majesty's Commission and order just read, and of all such other matters and things as shall be given me in charge by virtue thereof, and a true verdict give according to the evidence.

Affirmation of a Quaker Witness.

I, C. D., do solemnly and sincerely affirm and declare that the evidence I shall give the Court and jury touching this Inquiry, shall be the truth, the whole truth, and nothing but the truth.

* By the Common Law Procedure Act, 1854, 17 and 18 Vic., c. 125, sec. 20, it is enacted that "If any person called as a witness, or required or desiring to make an affidavit or deposition, shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the Court or Judge or other presiding officer, or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such persons, instead of being sworn, to make his or her solemn affirmation or declaration in the words following;" (*videlicet*):

"I, A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare," &c. "Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form." And sec. 21 enacts that "If any person making such solemn affirmation or declaration shall wilfully, falsely, and corruptly affirm or declare any matter or thing, which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties as by the laws and statutes of this kingdom are or may be enacted or provided against persons convicted of wilful and corrupt perjury."

The Affirmat to a declaration in Chancery under this Act should be "Affirmed by A. B. at, &c., this — day of, &c., pursuant to the statute 17 and 18 Vic., c. 125, before me, I having been first satisfied of the sincerity of the objection taken by the above-named A. B., to be sworn from conscientious motives." (Signed — a Commissioner, &c.)

NOTE.—It is considered and required that the declaration should contain on the face of it, the objection from conscientious motives to take an oath.

Oath of Officer on taking charge of Jury.

You shall well and truly keep this Jury in some convenient and private place, without meat, drink, or fire (candlelight only excepted); and you shall not suffer any person to speak to them, neither shall you speak to them yourself, without leave of the Court, except to ask them if they have agreed upon their verdict.

So help you God.

Oath of Witness (where no Jury).

The evidence you shall give touching this Inquiry shall be the truth, the whole truth, and nothing but the truth.

So help you God.

INQUISITION (WHERE NO JURY).

(*Vide page 15.*)

To Wit. } AN INQUISITION taken at the house of —, situate at —, in the
____ of —, commonly called or known by the name or sign of
____, this — day of —, in the — year of the reign of our
Sovereign Lady Victoria, by the grace of God, of the United Kingdom of Great
Britain and Ireland, Queen, Defender of the Faith, and in the year of our Lord
one thousand eight hundred and sixty —, by —, Esquire, one of the Com-
missioners of our said Lady the Queen, by virtue of Her Majesty's General
Commission, under the Great Seal of Great Britain, bearing date, &c., to, &c.,
the Masters in Lunacy directed, and under an order of the Right Honourable
the Lord —, made on the — day of —, and which order is to this Inqui-
sition annexed, to inquire of the lunacy of —. He, the said —, having
personally examined the said —, and taken evidence and called for information
to ascertain whether or not the said — is of unsound mind, finds that the
said — is a —, so that h is not sufficient for the government of h—self,
h— manors, messuages, lands, tenements, goods, and chattels. And the said
— certifies the same accordingly.

In testimony whereof, the said — has to this Inquisition set his name and
seal, the day and year first above written.

(Signed)

L. S.

INQUISITION (WHERE JURY).

(*Vide page 15.*)

To Wit. } AN INQUISITION taken at the house of, &c. (*as above*), before —,
Esquire, one of the Commissioners of our said Lady the Queen, by
virtue of Her Majesty's General Commission under the Great

ORDER AS TO SIGNING PETITIONS AND AS TO JURIES. 111

Seal of Great Britain, bearing date at Westminster, &c., to, &c., Esquires, the Masters in Lunacy, directed, and under an order of, &c., made on, &c., which order is to this Inquisition annexed, to inquire of the lunacy of —, upon the oath of —, good and lawful men of the said —, who being sworn, and charged upon their oath, say that the said —, at the time taking this Inquisition, is —, so that he is not sufficient for the government of h—self, h—manors, messuages, lands, tenements, goods, and chattels, and that —he, the said —, hath been in the same state of — from the — day of —, in the year of our Lord one thousand, &c.

In testimony whereof, as well as the said Commissioner, —, Esq., as the Jurors aforesaid, have to this Inquisition set their seals, the day and year first above written.

Signature and seal of Commissioner,
L. S.

Seals only of Jurors,
L. S.
L. S.
&c.

CERTIFICATE OF MASTER IN LUNACY AS TO THE EXPEDIENCY OF HAVING A JURY ON AN INQUIRY.

(*Vide Act, 1853, Sec. 43, and vide also page 10 and 15.*)

In the matter of W. J. J. L., a supposed Lunatic.

To the Right Honorable the Lord High Chancellor of Great Britain.

I certify that in pursuance of an order in the above matter, made on the Petition of J. C. L., Widow, and dated the 17th day of December, 1857, whereby it was ordered that F. B. and E. W., Esquires, the Masters in Lunacy, or one of them, should, in pursuance of the General Commission under the Great Seal to them for that purpose directed, inquire concerning the alleged lunacy of the said W. J. J. L.—, then residing at No., &c., in the County of Middlesex, and that the said inquiry be held at the place of abode of the said W. J. J. L., or as near thereto as conveniently might be; I did on the 2d and 3d days of February instant, at the H— Arms, H. P. at K. aforesaid, in the presence of Mr. C., of —, Counsel for the said J. C. L., and of Mr. B., of —, Counsel for the said W. J. J. L., inquire concerning the alleged lunacy of the said W. J. J. L.; and upon consideration of the evidence before me, I certify that in my opinion an inquiry before a jury concerning the alleged lunacy of the said W. J. J. L., is expedient.

All which, &c.

ORDER AS TO SIGNING PETITIONS AND AS TO JURIES.

(*Vide page 11.*)

4th May, 1827.

It is ordered that all petitions for Commissions of Lunacy be signed by the Petitioners, and attested by a Solicitor of the Court of Chancery.

That no allowance be made for Dinners to Juries on the execution of Commissions ; and that all copies of Petitions be carefully and accurately examined before the same are left at the office of the Secretary of Lunatics.

HABEAS TO BRING UP LUNATIC FROM PRISON ON EXECUTION OF INQUIRY.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the Faith, to the Sheriff of Middlesex, Greeting— We command you that you have the body of C. D. detained in our prison, situate, &c., under your custody, as it is said, under safe and secure conduct, before —, Esquire, one of our Masters in Lunacy, at the house of, &c., situate, &c., on —, the — day of — next, by ten of the clock in the forenoon of the same day, and at such other day or days, or time or times, as the said — shall, by writing under his hand, direct, for the purpose of executing our Commission, &c., for inquiring into the supposed lunacy of the said C. D. And the said Commission having been executed or adjourned, that you, immediately after such execution or adjournment, return the said C. D. to our said prison, under safe and secure conduct, and have there this writ.

Witness, &c., at Westminster, this — day of —, in the — year of our reign.

FORMS OF PROCEEDINGS AS TO KINDRED, COMMITTEE, PROPERTY, AND MAINTENANCE.

(*Vide page 17.*)

UNDERTAKING TO VISIT LUNATIC GIVEN BY COMMITTEE OF PERSON TO THE COURT, ON SPECIAL DIRECTION.

IN LUNACY.

In the matter of J. S. K., a Lunatic.

I, the undersigned J. H., of, &c., do hereby undertake, that during and so long as I shall continue to be the Committee of the person of the said J. S. K., I will, four times in every year, and at intervals of not less than three months, personally visit the said J. S. K. Dated this — day of —, 186—.

(*Signed*)

J. H.

Witness, J. S.

Clerk to Messrs. B. B. and B., Solicitors,

—, Temple, London.

(*Exhibit*). In Lunacy. *Re J. S. K., a Lunatic.*

This is the paper writing referred to in the affidavit of J. S.

Sworn this — day of, &c.

Before me, F. B.

AFFIDAVIT VERIFYING UNDERTAKING.

IN LUNACY.

In the matter of J. S. K., a Lunatic.

I, J. S., Clerk to Messrs. B., of, &c., Gentleman, Solicitors for J. H., after-mentioned, make oath and say that I know and am well acquainted with J. H., of &c., who is one of the uncles of the said J. S. K., and that I was present on the — day of — instant, and did see the said J. H. sign the paper writing hereunto annexed, and that the name or signature "J. H.," thereon appearing, is of the proper handwriting of the said J. H., and that the name "J. S.," thereon also appearing, is of the proper handwriting of me this deponent.

Sworn, &c.

STATE OF FACTS AND PROPOSAL.

(*Vide page 17.*)

A state of facts and proposal has to be laid before the Master by the Petitioners for the Inquiry, or by the next of kin, stating whose proposal it is, and showing the Inquisition and verdict, who are the heir-at-law and next of kin, what is the situation in life of the Lunatic, and the nature of the lunacy, what is the fortune and income (stating also what debts there are, if any), who are the most fit persons to be appointed Committees of the person and estate, and what is proper to be allowed for maintenance. The particulars of the property and debts may conveniently be given in a schedule to the state of facts and proposal, of which the following is an outline, and a form of which may be obtained at the office of the Masters.

It would be desirable that the Petitioner's Solicitor should have ready for the Master, on the day fixed for the Inquiry, a state of facts somewhat after the outline here referred to.

IN LUNACY.

In the matter of A. B., a person of unsound mind.

The State of Facts and Proposal of I. N., of &c. (the Petitioner for the Order for the Inquiry in this matter, dated the — day of —, 186—), under the General Orders in Lunacy.

States—

Note. — The State of Facts should be on Brief or Draft Paper, and written only on one side.

1.—*Inquisition.*

That by an Inquisition taken by, &c., at, &c., on, &c., it was found that the said A. B. was a person of unsound mind, so that he was not sufficient for the government of himself and his estate.

Where the Pedigree is simple, an affidavit from an independent member of the family or friend, verifying the facts as to Next-of-Kin will be sufficient. Where the Pedigree is not simple the Master's direction should be taken before any expense is incurred in getting up evidence, &c.

N.B.—The evidence should not omit to shew whether or no any person, whose issue might be Heir-at-Law, or Next-of-Kin, has been more than once married.

2.—Heir-at-Law and next of Kin.

That the said A. B. has been only once married, namely, on, &c., and there have been — children, and no more, namely, &c.

[Show who are the Heir-at-Law and Next-of-Kin, to which the statements in this paragraph should be strictly confined.]

3.—Situation.

The same affidavit could probably verify this Paragraph.

That the said A. B. is of the age of, &c., and was formerly engaged in the business of, &c.

[State shortly the age, position in life, business or profession, if any, residence, and any other circumstance in relation to the situation that it may be thought desirable to make the Master acquainted with.]

4.—Nature of Lunacy.

That the unsoundness of mind of the said A. B. is shown by, &c.

[State shortly, from the medical affidavits filed in support of the petition, what is the character of the insanity—whether there are any delusions—and whether the Lunatic is violent or otherwise. These affidavits will, in most cases, be sufficient evidence of the facts.]

5.—Fortune and Income.

This paragraph may be verified by the affidavit or affidavits of any person or persons acquainted with the facts. Where practicable, the same affidavit or affidavits may also verify paragraphs 6 and 7. Any Documentary Evidence, Probates of Wills, Settlements, &c., can be produced on settling the Report.

That the fortune of the said A. B. consists of certain and real estate, the particulars of which are set forth in the first Schedule hereto, and also a certain personal estate, the particulars of which are set forth in the second Schedule hereto, and which together produce a gross annual income of £—, or thereabouts, and a net annual income of £—, or thereabouts.

NOTE.—The first Schedule should give the particulars of the real estate—*vide* the form of the Schedule hereafter. It should also be stated what is the Lunatic's estate in the property, whether in fee, in tail, or otherwise.

The second Schedule should give the particulars of the personal estate, nature of securities, rate of interest, whether the Lunatic is entitled absolutely, or how otherwise, with any material observations. Where there is stock, state in whose name it stands.

Where the property cannot be conveniently set out in Schedules, or where, for other reasons, it may be thought more desirable to state the facts in detail in the body of the State of Facts, such a course may be adopted.

6.—*Maintenance.*

That the said A. B. has been heretofore maintained, up to the, &c., at an average annual expense of, &c.

[*State at what expense, and by whom the Lunatic has been accustomed to be maintained, and whether anything, and what is due, and to whom, in respect of maintenance; also what should be allowed for his future maintenance, with a scheme for maintenance, and from what time it is proposed that such allowance should commence.*]

7.—*Debts.*

If there are any debts other than debts due for the maintenance of the Lunatic, the aggregate amount should be stated here, and the fund specified out of which it is proposed that the debts should be paid. The names of the creditors and the amounts of the sums due to them respectively should be given in the Schedule.

8.—*Committees of Person and Estate.*

State the residence and position in life of the person or persons proposed as Committee or Committees of person and estate; that they had signified their willingness to act, and that the proposed Committee of the estate will be prepared to give the usual security, and the Committee of the person to visit the Lunatic periodically.

There should be an affidavit or affidavits of some independent person or persons as to the respectability, responsibility, and fitness of the proposed Committee, or Committees.

NOTE.—The consent in writing of the proposed Committees to the above effect should be produced.

It is not desirable to propose as Committee of the estate a married woman, unless her husband can be associated with her in the Committee ship.

9.—*Proposal.*

The state of Facts should conclude with a short proposal of what is desired, particularly as to the person or persons recommended as Committee or Committees, and the sum proposed for future maintenance, and from what time the same should commence.

The First Schedule referred to in the foregoing State of Facts.

Containing particulars of the Real Estate of the said A. B.

Estates, and where situate.	Tenants' Names.	Annual Rent.	Arrears to last.	Observations.

NOTE.—It will be convenient to have the Schedules on separate sheets.

The Second Schedule referred to in the foregoing State of Facts.

Containing particulars of the Personal Estate of the said A. B.

Particulars of Personal Property.	Amount or Value.	Annual Dividends or Income.

NOTE.—Any observations which it may be desirable to make, respecting the personal estate, could be made in the form of notes at the foot of this Schedule.

The Third Schedule referred to in the foregoing State of Facts.

Containing a list of Debts due from the said A. B., and names of Creditors.

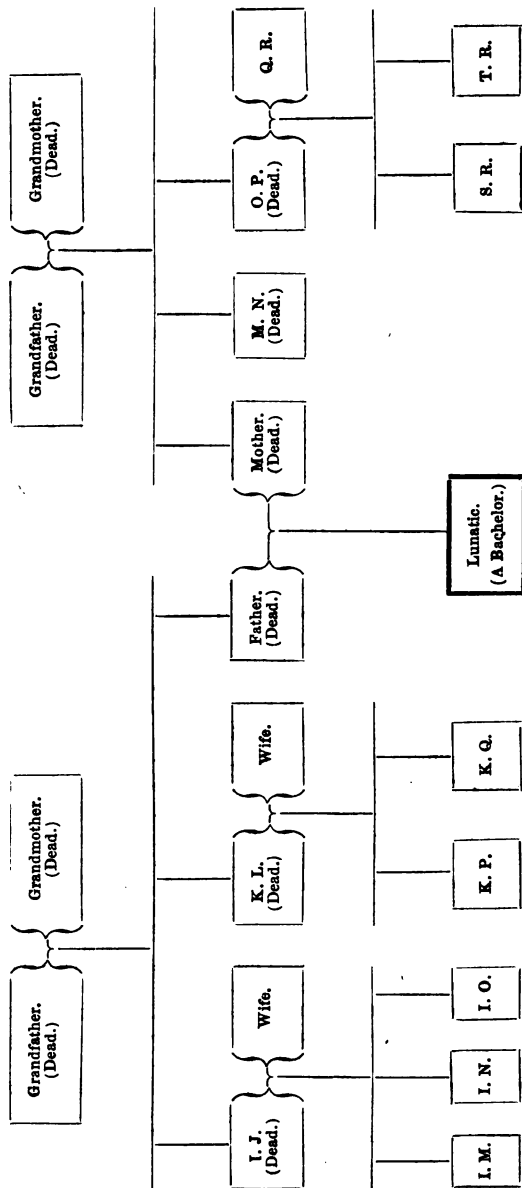
Names and Description of Creditors.	Particulars of Debts.	Amounts.

PEDIGREE.

(Vide page 17.)

EXPARTE PATERNA.

EXPARTE MATERNA.



AFFIDAVIT AS TO KINDRED.

(Vide page 18.)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, T. E., of —, make oath and say as follows, viz. :—

1. That I knew and was well acquainted with C. D. and E. D., the father and mother of the said A. B., both before and after their marriage, at which I was present, on the — day of —.

2. That the said E. D. was a daughter of G. F., late of —, and that they, the said C. D. and E. D., were never married, except the one to the other, and that the only issue of such marriage was the said A. B.

3. That he, the said A. B., is now of the age of — years, and has never been married.

4. That the said C. D. was a son of —, late of —, by — his wife, with both of whom I was also well acquainted; and that the said C. D. has two brothers only, and no sisters, namely I. J. and K. L., and that the said I. J., on or about the — day of —, being then a bachelor, intermarried with —, spinster, by whom he had issue three children only, and no more, namely, I. M., I. N., and I. O.

5. That he, the said I. J., departed this life on or about the — day of —, leaving his said wife and three children him surviving.

6. That the said K. L., being then a bachelor, on or about the — day of —, intermarried with —, spinster, by whom he had issue two children only, namely, K. P. and K. Q.

7. That he, the said K. L., survived his said wife, but died on or about the — day of —, without having been again married, leaving his said two children him surviving.

8. That the said mother of the said A. B. had but one brother and one sister only, namely, M. N. and O. P.; and that the said M. N. died several years since, without ever having been married; and that the said O. P. having, on or about the — day of —, intermarried with Q. R. (and not having been previously married), had, by such marriage, two children only, namely, S. R. and T. R., and that she, the said O. P., died on the — day of —, leaving her said husband and her said two children her surviving.

9. That* the several certificates, or paper writings, purporting to be certificates of marriage, baptism, and burial respectively, now produced and shown to me at the time of swearing this, my affidavit, and marked respectively A. B., C. D., &c., relate to the marriage, baptisms, and burials of the several and respective members of the family of the said A. B., hereinbefore named by me.

10. That I have always understood and believe that the grandfather and grandmother, both *ex parte paternâ* and *ex parte maternâ*, of the said A. B., all of whom are now dead, were never married, except the one to the other respectively. And that they respectively had no other issue than the children hereinbefore mentioned.

* This to be inserted only when necessary. These certificates are very rarely required.

AFFIDAVIT AS TO KINDRED.

(Vide page 18.)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, A. E., of, &c., make oath and say—

1. That I am now of the age of — years, or thereabouts, and that I have heard read to me the affidavit of T. E., sworn in this matter on the — day of —, and that, to the best of my knowledge and belief, the same is in every respect true and correct.

2. And I further say that I knew and was well acquainted with the grandfather and grandmother, both *ex parte paternā* and *ex parte maternā*, of the said A. B., and that I never heard that either or any of them were ever married, except the one to the other respectively, but that I have always understood, and verily believe, that they were never married except the one to the other respectively.

Sworn, &c.,

AFFIDAVIT VERIFYING EXTRACTS FROM REGISTERS WHEN REQUIRED.

[Copy the Extracts from the Registers of Marriage, Baptism, and Burial.]

I, H. H., of —, make oath and say, that I have carefully examined and compared the several extracts from the parochial registers of marriage, baptism, and burial, above written, with the several originals of such registers, and that such several extracts are faithfully and correctly set forth, so far as they relate to the respective marriages, baptisms, and burials therein referred to.

Sworn, &c.

AFFIDAVIT AS TO SITUATION OF LUNATIC, NATURE OF FORTUNE, AND ALLOWANCE FOR MAINTENANCE.

(Vide page 18.)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, I. N., of —, one of the first cousins, *ex parte paternā*, of the said A. B., make oath and say—

1. That the said A. B., who is the only child of C. D., of —, my uncle, is a bachelor, and that he is of the age of — years, or thereabouts.

2. And I further say that the said A. B. was for several years previous to the — day of —, the date of the Inquisition of Lunacy in this matter, engaged in the business of, &c., at, &c.; but that since that time, owing to mental infirmity, he has been unable to conduct his said business, and has resided with and under the care of, &c., at, &c.

3. That the said A. B. is seised in fee simple of the several estates and premises

&c. [*set out the particulars as they are stated in the State of Facts, including the statement as to income*].

4. And as to the maintenance of the said A. B., I further say, &c. [*set out these particulars also as they are given in the State of Facts*].

Sworn, &c.

The first schedule above referred to.

(*Vide the State of Facts.*)

The second schedule, &c., &c.

(*Vide State of Facts.*)

(*Vide also Affidavit in Lunacy Regulation Act, Schedule III.*)

AFFIDAVIT AS TO CHARACTER OF PROPOSED COMMITTEE.

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, S. T., of —, in the City of London, merchant, make oath and say—

1. That I have for the last — years and upwards, carried on my business as a merchant at —, aforesaid, and that during all that time I have known and been well acquainted with I. N., who is, as I have been informed and believe, a cousin of the above named A. B., and one of the persons proposed as Committees of the person and estate of the said A. B.

2. And I further say, that the said I. N., is a highly respectable, humane, trustworthy, and responsible person, and well qualified in every respect to be appointed the Committee or one of the Committees of the person and estate, or of both person and estate of the said A. B.

Sworn, &c.

Note.—There should be two affidavits in this or a similar form.

AFFIDAVIT AS TO CHARACTER OF PROPOSED COMMITTEE.

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, H. B., of —, in the City of London, ship-broker, make oath and say—

1. That I have, during the last — years, carried on my said business of a ship-broker at my said offices, and that during all that time I have known and been intimately acquainted with the said A. B., and with I. M., who is, as I have been informed and believe, the heir-at-law and one of the next of kin of the said A. B.; and that he, the said I. M., is a highly respectable and responsible person, and a man of business habits, he, the said I. M., having to my knowledge been actively engaged in the business of — for some years past.

2. And I further say, to the best of my judgment and belief, the said I. M. is well qualified in every respect to be appointed the Committee, or one of the Com-

mittees, of the estate of the said A. B., and that he is of ability to give the requisite security for the due protection of the estate of the said A. B.

Sworn, &c.

AFFIDAVIT AS TO CHARACTER OF PROPOSED COMMITTEE.

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, W. W., of — Hall, in the county of —, Esquire, Member of Parliament for the — Division of the same county, and one of Her Majesty's Justices of the peace for the same county, make oath and say, that I have for — years past and upwards known and been intimately acquainted with C. D., of —, in the county of —, Esquire, and that he, the said C. D., is a highly honourable and humane person, of a good disposition, and of careful and considerate habits, and well acquainted with the value and general management of estates, and well qualified in every respect to be appointed the Committee, or one of the Committees, of the person and estate of the said A. B.

Sworn, &c.

CONSENT OF COMMITTEE OF PERSON TO ACT.

(*Vide pages 18, 83-4, and 112.*)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, C. D., of, &c., do hereby consent to be appointed and to act as the Committee of the person of the above named A. B.; and I hereby undertake to visit him once at least in every three months, and at such other times as may be required, and to see that he is duly attended to, and that he has all necessary comforts and enjoyments.

Dated this — day of —, 186—.

(Signed) —.

CONSENT OF COMMITTEE OF PERSON TO ACT WHERE LUNATIC RESIDING WITH HIM.

(*Vide pages 18, 83-4, and 112.*)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, C. D., of, &c., do hereby consent to be appointed and to act as the Committee of the person of the above named A. B., and I hereby undertake, so long as he shall reside with me, that I will take all due care of him, and see that he

has all necessary comforts and enjoyments; and should he cease to reside with me, then I undertake to visit him once at least in every three months, and to see &c. (*as in form above*).

Dated this — day of —, 186—.

(Signed) —.

CONSENT OF COMMITTEE OF ESTATE TO ACT.

(*Vide pages 18, 85, 6.*)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, E. F., of, &c., do hereby consent to be appointed, and to act as the Committee of the estate of the above named A. B.; and I am willing to give or provide such security as may be required for duly accounting for such estate.

Dated this — day of —, 186—.

(Signed) —.

SUMMONS TO ATTEND BEFORE MASTERS.

IN LUNACY.

In Re

Let all parties concerned attend at my chambers,

No. 45, *Lincoln's Inn Fields, Middlesex,*

on — day, the — day of —, 186—, at — of the clock, in the — noon, to proceed in the above matter.

FRANCIS BARLOW.

This Summons was taken out by

OBJECTION TO MASTER'S REPORT IN LUNACY.

(*Vide pages 27-8.*)

IN LUNACY.

In the matter of G. B., a person of unsound mind.

Objections taken by D. T., &c., to the Draft of the Report of —, Esquire, one of the Masters in Lunacy, made in pursuance of an Order in this matter, dated, &c.

For that the said Master hath in and by the draft of his said Report stated that no sufficient evidence has been laid before him to satisfy him that anything was due in respect of the maintenance and support of, &c. [*state the grounds of objection*], and that he is of opinion that there is not anything due in respect of the maintenance and support of, &c. Whereas the said Master ought not so to have

stated, but ought to have stated that the sum of £—— was due to the said D. T., &c., as aforesaid, for the maintenance and support, &c.

Wherefore the said D. T., &c., objects to the said draft of the said Master's Report, and prays that he will re-consider and alter the same.

STATEMENT INSISTING ON OBJECTIONS.

IN LUNACY.

In the matter of G. B. a person of unsound mind.

Whereas D. T. having carried in an Objection to the Draft Report of —, Esquire, one of the Masters in Lunacy, made in pursuance of an Order in this matter, dated, &c., but which Objection was overruled by the said Master, the said D. T. insists on the said Objection.

PETITION TO CONFIRM MASTER'S REPORT (*where necessary only*).

(*Vide pages 30, 31.*)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of I. M., I. N., I. O., K. P., and S. R., several of the next of kin of the said A. B., the said I. N. being the petitioner for the Inquiry, and the approved Committee of the person, and, jointly with the said I. M., the approved Committee of the estate of the said A. B.,

Showeth,

That by an Inquisition taken at, &c., on &c., under and by virtue of an order for that purpose, the said A. B. was found to be a person of unsound mind, so that he was not sufficient for the government, &c.

That your petitioners (except the said I. M.) did, in pursuance of the General Orders in Lunacy, lay before —, Esq., the Master in Lunacy, a state of facts and proposal, relative to the several matters referred to him. And that the said Master, by his Report made in this matter, bearing date, &c., after stating, &c., certified that, &c.

[*Set out the Report.*] [*State any other circumstances to which it may be necessary to direct the attention of the Court.*]

Your petitioners therefore humbly pray your Lordship that the said Master's Report may be confirmed, and that the custody of the person of the said A. B. may be granted to, &c., and that the care and management of the estate of the said A. B. may be granted to, &c., they first giving the security usual in like cases.

And that the several sums of stock mentioned in the said Master's Report, together with any arrear of dividends now due thereon, may

be transferred and paid into the name and with the privity of the Accountant General of the Court of Chancery, in trust in this matter. And that the sum of £—— cash, mentioned in the said Report to be now remaining in the hands of the said Messieurs ——, the bankers of the said A. B., may be ordered to be by them, or by one of the partners of such firm, paid into the bank in the name, and with the privity of the said Accountant General of the Court of Chancery, to the credit of this matter.

And your petitioners further pray your Lordship that the annual sum of £—— may be ordered to be paid or allowed for the maintenance and support of the said A. B., in the manner mentioned in the said Master's Report; and that £——, part thereof, may be ordered to be paid by the Committees of his estate out of the rents and profits of the said real estate of the said A. B.; and that £——, the other part thereof, may be ordered to be paid by the said Accountant General, by equal half-yearly payments, out of, &c.

[Ask for such other directions, &c., as the circumstances of the particular case seem to require.]

And your petitioners further pray your Lordship that it may be referred to the Taxing Master in rotation of the said Court of Chancery, to tax and certify the reasonable and proper costs, charges, and expenses of your petitioner I. N., incurred in and about the suing out and prosecuting the Order for Inquiry in this matter, and consequent thereon, together with his costs, and the costs of the several other next of kin of the said A. B., of all proceedings had subsequently thereto, and of, and incident to, and consequent upon this application, including therein the costs of the said —— (*Committees of the Estate*) of completing their appointment, and that the amount thereof to be certified by the said Master may be paid by, &c.

Or that your Lordship will be pleased to make such further or other order in the premises as to your Lordship may seem fit.

And your petitioners will ever pray, &c.

ORDER AS TO AD INTERIM COMMITTEE (*when necessary*).

(*Vide page 38.*)

In the matter of S. B., of ——, a Lunatic.

Upon reading, &c., we do appoint J. B., of, &c., *ad interim* Committee of the person and estate of the said S. B., upon his giving such security as the Masters in Lunacy shall jointly or severally approve of, for answering the estate of the said S. B., and accounting for the rents, profits, and produce thereof, until a permanent Committee or permanent Committees thereof be appointed, or until further order, such security to be perfected at or within such time as the said Masters may appoint, and that it may be referred to the said Masters to settle and take such security accordingly.

RECOGNIZANCE OF COMMITTEE AD INTERIM. (*Vide page 38.*)

A. B., of &c., C. D., of &c., and E. F., of &c., before our Lady the Queen, in her Court of Chancery, personally appearing, do acknowledge themselves, and each and every of them doth acknowledge himself to owe to —, Esq., and —, Esq., the Masters in Lunacy, the sum of £— of good and lawful money of Great Britain, to be paid to the said — and —, or to one of them, or to their or one of their executors or administrators. And the said A. B., C. D., and E. F., are willing and do agree, and each and every one of them is willing and doth agree, for himself, his heirs, executors, and administrators, that the said sum of £— shall be levied, recovered, and received of them, and each and every of them, and each and every of their heirs, executors, or administrators, and of and from all and singular the manors, messuages, farms, lands, hereditaments, and premises, goods and chattels of them, and each and every of them, wheresoever the same shall or may be found. Witness our Sovereign Lady Victoria, by the grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, at Westminster, this — day of —, in the — year of her reign, and in the year of our Lord, 186—.

Whereas by an order made in the matter of S. B., &c., bearing date, &c., the above named A. B. hath been appointed the *ad interim* Committee of the person and estate of the said S. B., upon his giving such security as the Masters in Lunacy shall jointly or severally approve, and the circumstances of the case may require, for answering the estate of the said S. B., and accounting for the rents, profits, and produce thereof, until a permanent Committee or permanent Committees thereof be appointed, or until further order. *And whereas* —, Esq., one of the said Masters in Lunacy, hath approved of the said C. D. and E. F. as the sureties of the said A. B., and hath allowed of this recognizance as a proper security, as testified by his signing his name and allowance in the margin hereof. *Now* the condition of this obligation is such, that in case the said A. B. shall carefully provide for the person of the said S. B., and for his safety, and for his family, if any be, or shall be, during the continuance of his office of *ad interim* Committee of the person of the said S. B., and in case the said A. B., his executors and administrators, shall duly and annually account for all and every such sum and sums of money as he, the said A. B., shall receive for rents, profits, and produce of the said S. B.'s estate, until a permanent Committee, or permanent Committees, shall be appointed, or until further order. And in case the said A. B., his heirs, executors, and administrators, shall well and duly pay as he or they shall be directed, all and every such sum and sums of money as the said A. B. shall so receive, then this recognizance is to be null and void, or otherwise is to be and remain in full force and virtue.

Taken and acknowledged by the above named —, at —, in the county of —, this — day of 186—.

Before me, I. I., a Commissioner, &c.

(Signed) —.*

I allow this recognizance.

(*Signature of Master.*)

* As to the mode of acknowledging a recognizance, *vide page 55.*

CERTIFICATE OF COMPLETION OF SECURITY OF COMMITTEE AD INTERIM.

(Vide page 38.)

In the matter of S. B., a person of unsound mind.

To the Right Honorable the Lord High Chancellor of Great Britain.

Whereas, by an order made, &c., it was, amongst other things, ordered that the said A. B. should be appointed the Committee, *ad interim*, of the person and estate of the said S. B., upon his giving such security, &c.

1. Now I certify that the said A. B. has, together with —, his sureties, duly entered into a recognizance, which was prepared and allowed by me for answering, &c.

2. And I further certify that the said recognizance of the said A. B. and his said sureties, has been approved of by me, and that I have caused the same to be duly enrolled in the High Court of Chancery, and that the security of the said A. B., and his appointment as such Committee, *ad interim*, of the person and estate of the said S. B. are completed.

(Signed) —.

ORDER CONFIRMING REPORT AS TO COMMITTEES, &c. (WHERE NOT CONFIRMED BY FIAT.) (Vide page 31.)

In the matter of J. B., a person of unsound mind.

Upon reading the Report of —, Esq., one of the Masters in Lunacy, made in this matter, bearing date, &c., and the affidavit of, &c., We do commit and grant the custody of the person, regulation, and government of the said J. B. to R. B., of O., in the county of N., farmer; and the custody, regulation, occupation, disposition and receipt of his estate to J. B., of S., in the said county of N., such grant to take effect upon the Master's certificate that the said (Committee) has completed his security as such Committee of the estate. And we do order that the sum of £— be allowed for the maintenance of the said J. B., from the — day of —, and be paid by the Committee of the estate of the said J. B. (Then follow such other directions as may be necessary for dealing with the Lunatic's funds, and taxing the costs of the proceedings.)

Entd. (L.S.)

(Signed) J. L. KNIGHT BRUCE, L. J.

C.N.W.

G. J. TURNER, L. J.

ORDER PERMITTING LUNATIC UNDER SPECIAL CIRCUMSTANCES TO BE REMOVED TO SCOTLAND ON SECURITY BEING GIVEN. (Vide page 66.)

In the matter of M. A. K., Spinster, of unsound mind.

We do order, under the particular circumstances of this case, that it be referred to the Masters in Lunacy, who are jointly or severally to settle and approve of the nature and amount of security proper to be given by, &c., the said Committee of the Lunatic's person and estate, for the due application by him of the net income of the said M. A. K., in her maintenance and support, and also for the duly bringing, or causing to be brought, the said M. A. K. within our jurisdiction, at

such time and at such place as may be directed by any order to be made in this matter, and upon such security being entered into and allowed by the said Masters, or one of them, we do further order that the said Wm. F. be at liberty to remove the said M. A. K. back to the B. C. I., at D., in Scotland, and to continue her there until further order.

FORMS OF PROCEEDINGS AS TO SECURITY AND GRANT OF CUSTODY.

INSTRUCTIONS FOR SECURITY AND GRANT. (*Vide Chapter V., page 33.*)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

The Order for Inquiry describes the above named A. B. as A. B., residing at, &c., in the county, &c.

The Inquiry was held at the said Asylum, on the — day of —, 186—.

The verdict was, that the said A. B. was a person of unsound mind.

The Committees of the Person are C. B. W., of, &c., and R. G. W., of, &c.

The Committee of the Estate is R. G. W., of, &c., (*Give full description.*)

The Sureties proposed are S. W., of, &c., and H. J. W., of, &c. (*Give full descriptions, &c.*)

The present residence of the Lunatic is —

The date of the Order or Fiat (*left hereunto*) appointing Committees, &c., is the — day of —, 186—.

Dated this — day of —, 186—.

(Signed) M. W.

Secretary to the Committee.

BOND OF COMMITTEE OF PERSON AND ESTATE.

KNOW all men by these presents, that we, A. B., of, &c., (*Committee*), C. D., of, &c., and E. F., of, &c., are bound and firmly obliged to our Most Sovereign Lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in — pounds of good and lawful money of Great Britain, to be paid to the same Lady the Queen, her heirs or successors, to which payment, well and truly to be made, we bind ourselves, and every of us, jointly and severally, our heirs, executors and administrators, and the heirs, executors, and administrators of each of us, firmly by these presents. Sealed with our seals, dated the — day of —, in the — year of the reign of our said now Lady the Queen, &c., and in the year of our Lord one thousand eight hundred and sixty —.

THE CONDITION of the above written obligation is such, that, whereas the custody of the person, and the regulation and government of H. W., residing at —, a person of unsound mind; and also the custody, regulation, occupation disposition, and receipt of his estate, have been committed and granted to the above bounden

This is the Bond referred to in the Affidavit of —, sworn before me this — day of —, 186—.

In the matter of
A.

(Committee), the said (*Lunatic*) being unable to govern h self, or to manage h estate during the continuance of h (*unsoundness of mind*). If, therefore, the said (Committee) shall yearly, or oftener if he be thereunto required, make a just and true account of all and singular the rents, issues, and profits of the real estate of the said (*Lunatic*), and also of h personal estate, and the profits thereof as now are, or hereafter shall come to h hands, custody, or possession, or which h may receive out of or concerning the said estate, and shall carefully observe, perform, and keep the orders and directions of the Lord Chancellor of Great Britain, Lord Keeper, Lords Commissioners for the Custody of the Great Seal of Great Britain, or the Lords Justices of the Court of Appeal in Chancery, or any of them for the time being, made, or hereafter to be made, touching or concerning the said (*Lunatic*) and h estate, and touching all such monies as shall yearly remain due upon the foot of the account duly taken by one of the Masters in Lunacy, and filed in the office for that purpose appointed, and shall be careful to see the houses, buildings, and structures, of the said (*Lunatic*), to be well and sufficiently repaired, and so kept and maintained during the continuance of the said grant, and shall carefully preserve and keep all the deeds, evidences, and writings touching the manors, messuages, lands, tenements, hereditaments, and estates of the said (*Lunatic*), as now are, or hereafter shall come to h hands, custody, or possession, and shall carefully provide for the person of the said —, and for h safety, and for h family, if any be, or shall be, during the continuance of the said grant, and shall in all things demean h self as careful and faithful, grantee or Committee of the person and estate of the said (*Lunatic*), that then the said obligation to be void, or else the same to stand, remain, and be in full force and virtue.

Signed, sealed, and delivered by the above named —, in the presence of—.

Endorsement of Approval by Master.

I approve of this Bond, being the Bond referred to in my certificate made in the above matter on the — day of —, 186

BOND OF COMMITTEE OF ESTATE (ONLY).

KNOW all men by these presents that we, A. B. and C. D. (*Committees*), of &c., and E. F., of, &c., and G. H., of, &c. (*Sureties*), are bound, &c. (*as in preceding form*).

THE CONDITION of the above written obligation is such, that, whereas the custody, regulation, occupation, disposition, and receipt of the estate of W. M., residing at —, a person of unsound mind, have been committed and granted to the above bounden —, the said — being unable to govern h self, or to manage h estate, during the continuance of h unsoundness of mind. If, therefore, the said (*Committees*) shall yearly, or oftener if he be thereunto required, make a just and true account of all and singular the rents, issues, and profits of the real estate of the said W. M. (*Lunatic*), and also of h personal estate, and the profits thereof as now are, or hereafter shall come to h hands, custody, or possession, or which he may receive out of or concerning the

This is the Bond referred to in the Affidavit of —, sworn before me this — day of —, 186—.

In the matter of

said estate, and shall carefully observe, perform, and keep the orders and directions of the Lord Chancellor, &c., made, or hereafter to be made, touching or concerning the said W. M. (*Lunatic*), and his estate, and touching all such monies as shall yearly remain due upon the foot of the account duly taken by one of the Masters in Lunacy, and filed in the office for that purpose appointed; and shall be careful to see the houses, buildings, and structures of the said (*Lunatic*) to be well and sufficiently repaired, and so kept and maintained during the continuance of the said grant, and shall carefully preserve and keep all the deeds, evidences, and writings touching the manors, messuages, lands, tenements, hereditaments, and estates of the said (*Lunatic*) as now are, or hereafter shall come to his hands, custody, or possession, and shall in all things demean himself as careful and faithful grantee or Committee of the estate of the said —, that then the said obligation to be void, or else the same to stand, remain, and be in full force and virtue.

Signed, sealed, and delivered by the above named —, in the presence of —.

Endorsement of Approval by Master.

I approve of this Bond, being the Bond referred to, &c.

AFFIDAVIT OF EXECUTION OF BOND. (*Vide page 36.*)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, C. D., of —, make oath and say, that E. F., of —, and I were present and did see the bond hereunto annexed, marked with the letter A, and bearing date the — day of —, 186—, in the penalty of £—, duly signed, sealed, and delivered by the therein-named G. H., of —, in the county of —, Esq., J. J., of —, in the county of —, Esq., and K. L., of —, in the county of —, Esq., as their respective act and deed, to the use of Her present Majesty Queen Victoria, and that to the execution thereof by the said G. H., J. J., and K. L., respectively, the said E. F., and I did subscribe our respective names as witnesses.

Sworn, &c.

AFFIDAVIT OF SUFFICIENCY OF SUBETIES. (*Vide page 36.*)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

We, K. J., of, &c., and K. L., of, &c., each of us speaking for ourselves only, severally make oath and say. And first, I, J. J., for myself, say that I am really and truly worth the sum of £— of lawful money of Great Britain, over and besides what is sufficient to pay and discharge all my just debts. And I, K. L., for myself say, that I am really and truly worth the sum of £— of like lawful money, over and besides what is sufficient to pay and discharge all my just debts.

Sworn, &c.

CERTIFICATE OF COMPLETION OF SECURITY (IN LIEU OF GRANT) WHERE
SECURITY GIVEN BY BOND. (VIDE ACT, 1853, *Sec. 63, and page 37.*)

In the matter of —, a person of unsound mind.

To the Right Honorable the Lord High Chancellor of Great Britain.

Whereas, by an Order made on the — day of —, 186—, the custody regulation, occupation, disposition, and receipt of the estate of the said — have been committed and granted to —.

1. Now, I certify that the said —, together with —, h sureties, h entered into a bond, duly executed by them, for answering the estate of the said —, and accounting for the rents, profits, and produce thereof, and for the faithful discharge of h duties as Committee of the estate of the said —.

2. And I further certify, that the said bond of the said —, and h said sureties, has been approved of by me, and remains deposited in the Office of the Masters in Lunacy, and that the security of the said —, and the Grant to h of the custody of the estate of the said —, are completed.

CERTIFICATE TO ENABLE APPROVED COMMITTEE TO TRANSFER STOCK INTO
COURT IN LIEU OF GIVING SECURITY BY BOND. (*Vide Act, 1853, Sec. 64, and page 35.*)

In the matter of —, a person of unsound mind.

To the Right Honorable the Lord High Chancellor of Great Britain.

Whereas by an Order made on, &c., the custody, regulation, occupation, disposition, and receipt of the Estate of the said — h been committed and granted to —.

And whereas it has been proposed before me on behalf of the said (*Committee*) that in lieu of h giving security by Bond with sureties as such Committee as aforesaid, the said (*Committee*) should be at liberty to transfer into the name and with the privity of the Accountant General of the Court of Chancery in trust in this matter to an account to be entitled "Security Account of the Committee of the Estate" the sum of £— (*stock*), and that the dividends to accrue due thereon should, from time to time, as and when the same should become payable, be paid to the said (*Committee*).

1. Now I certify and direct that in lieu of security being given by the said (*Committee*) by Bond with sureties as the Committee of the estate of the said (*Lunatic*), the said (*Committee*) is to be at liberty to transfer into the name and with the privity of the said Accountant General in trust in this matter to an account to be entitled "Security Account of the Committee of the Estate" the sum of £ —.

2. And I further certify and direct that the dividends from time to time to accrue due on the said £ — when so transferred as aforesaid be as and when the same shall become due and payable paid by the said Accountant General to the said (*Committee*).

CERTIFICATE OF COMPLETION WHERE FUND TRANSFERRED INTO COURT IN LIEU OF SECURITY BY BOND. (AS ABOVE.)

In the matter of T. I. M., a person of unsound mind.

To the Right Honorable the Lord High Chancellor of Great Britain.

Whereas, by an Order made on the — day of —, 186—, the custody, regulation, occupation, disposition, and receipt of the estate of the said T. I. M. have been committed and granted to M. A. M. And whereas by my certificate, made in this matter on the — day of — last, I directed (amongst other things), that the said M. A. M., in lieu of giving security by bond with sureties, as the Committee of the estate of the said T. I. M., should be at liberty to transfer into the name and with the privity of the Accountant General of the Court of Chancery, in trust in this matter, to an account to be entitled "The Security Account of M. A. M.," the sum of £ — [£3 5s. per Cent. Annuities.]

1. Now, I Certify that the said M. A. M. has, as appears by the certificate of the said Accountant General, dated, &c., which has been produced before me, transferred into the name of the said Accountant General in trust in this matter, the said sum of £ — Annuities, pursuant to my said certificate.

2. And I further certify, that the security of the said M. A. M., and the Grant to her of the custody of the estate of the said T. I. M., are completed.

PROCEEDINGS RELATING TO THE APPOINTMENT OF A RECEIVER. (*Vide page 54.*)

PROPOSAL FOR APPOINTING RECEIVER.

IN LUNACY.

In the matter of A. B., a person of unsound mind.

The State of Facts and Proposal of C. D., of —, and A. D., his wife, the petitioners for the Inquiry in Lunacy in this matter (the said A. D. being one of the next of kin of the said A. B.).

That (*state the reason for the appointment of a receiver*).

That the particulars of the property of the said A. B. are fully stated in the State of Facts of the said C. D. and A. D., laid before the Masters in Lunacy on the — day of — (*or in the report of the Master, &c., dated, &c., as the case may be*).

That —, of —, surveyor and land agent, is a very respectable and responsible person, and a fit and proper person to be appointed receiver of the said A. B.'s estate, and that he is willing to be so appointed, and to give such security as may be required, upon being allowed a reasonable salary for his care and pains in the management of the said estate.

That considering the nature and amount of the said A. B.'s estate, it is fit and proper that the annual sum or salary of £ — should be allowed to such receiver for his said care and pains.

That the said — proposes as his sureties, T. C., of —, and S. T., of —.

The said C. D. and A. D. therefore propose that the said — should be appointed receiver of the said A. B.'s estate, upon his giving the security usual in like cases, and that the annual sum or salary of £— should be allowed to him for his care and pains in the management thereof. And that —, of —, and —, of —, should be accepted as his sureties.

And the said C. D. and A. D. crave leave, &c.

Note.—The evidence in support of this proposal should be an affidavit showing the necessity for the appointment of a receiver, and two affidavits as to the eligibility of the proposed receiver, and the responsibility of his sureties.

RECOGNIZANCE OF RECEIVER. (*Vide page 55.*)

A. B., of —, in the county of —, C. D., of —, and E. F., of —, in the county of —, before our Lady the Queen, in her Court of Chancery, personally appearing, do acknowledge themselves, and each and every of them doth acknowledge himself to owe —, Esquire, and —, Esquire, the Masters in Lunacy, the sum of £— of good and lawful money of Great Britain, to be paid to the said — and —, or to one of them, or to their or one of their executors or administrators. And the said A. B., C. D., and E. F. are willing and do agree, and each and every of them is willing and doth agree, for himself, his heirs, executors, and administrators, that the said sum of £— shall be levied, recovered, and received of them, and each and every of them, and each and every of their heirs, executors, or administrators, and of and from all and singular the manors, messuages, farms, lands, hereditaments, and premises, goods and chattels of them, and each and every of them, wheresoever the same shall or may be found. Witness our Sovereign Lady Victoria, by the grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, at Westminster, this — day of —, in the — year of her reign, and in the year of our Lord 186—.

Whereas, by an Order, bearing date the — day of —, made in the matter of G. H., Esquire, a person of unsound mind, it is referred to the Masters in Lunacy, jointly or severally, to approve of and appoint a proper person to be receiver of the rents and profits of the said G. H.'s estate in the counties of — and —. And whereas F. B. Esq., one of the said Masters, hath approved of the said A. B. as a proper person to be receiver of the rents and profits of the said estates, on his entering into this present recognizance, and of the said C. D. and E. F. as his sureties, and hath allowed of this recognizance as a proper security, as testified by his signing his name and allowance in the margin hereof. Now the condition of this obligation is such, that in case the said A. B., his executors and administrators, shall duly and annually account for all and every such sum and sums of money as he, the said A. B., shall receive for rents and profits of the said estates, and in case the said A. B., his heirs, executors, or administrators shall well and duly pay all and every such sum and sums of money as the said A. B. shall so receive, as he shall be directed, then this recog-

nizance is to be null and void, or otherwise is to be and remain in full force and virtue.

Taken and acknowledged by the abovenamed A. B., C. D., and E. F., at — the — day of —.

Before me, I. I., a Commissioner, &c.

(Signed ——. *

I allow this recognizance.

(Signature of Master.)

REPORT APPOINTING RECEIVER. (*Vide page 55.*)

In the matter of A. B., a Lunatic.

To the Right Honorable the Lord High Chancellor of Great Britain.

In pursuance of an order [*reciting the order for the appointment of a receiver*], a State of Facts and Proposal has been laid before me, on behalf of, &c., by which —, of —, is proposed as a fit and proper person to be appointed receiver of the estate of the said Lunatic, and by which proposal —, of —, and — of —, are proposed as sureties for him, the said [*receiver*]. And such State of Facts has been supported by the following evidence, viz. [*setting it out*]. And I have been attended by the solicitors for the said [*next of kin making the proposal*], and by the solicitors for [*stating the parties*], and having, in their presence, read and considered such State of Facts, and the evidence in support thereof, I certify as follows, viz. :—

That I approved of the said [*receiver*], he having expressed his readiness in that behalf, as a fit and proper person to be such receiver, on his giving the security hereinafter mentioned.

That the said [*sureties*] have made affidavit that they were severally worth of good and lawful money of the United Kingdom of Great Britain and Ireland, over and above what was sufficient to pay their respective just debts, the sum of £—. That the said [*sureties*] have duly entered into a recognizance (in which the said [*receiver*] has joined), in the said penal sum of £—, with condition thereunder written, that if the said [*receiver*], his executors or administrators, shall duly and annually account for all and every such sum and sums of money as he shall receive for rents, profits, and produce of the said [*lunatic's*] estate; and in case the said [*receiver*], his heirs, executors, or administrators shall well and duly pay all and every such sum and sums of money as the said [*receiver*] shall so receive, as he shall be directed, that then the said recognizance is to be null and void, or otherwise to be and remain in full force and virtue.

That such recognizance has been duly enrolled in the High Court of Chancery, and I do hereby appoint the said [*receiver*] to be the receiver of the rents, profits, and produce of the estate of the said Lunatic.

All which, &c.

* *Vide* directions given at page 55, as to the mode of acknowledging recognizances.

CERTIFICATE OF COMPLETION OF RECEIVER'S SECURITY, WHERE APPOINTMENT
MADE BY ORDER.

In the matter of, &c.

To the Right Honorable the Lord High Chancellor of Great Britain.

Whereas by an order dated the — day of —, 186—, — hath been appointed receiver of the rents, profits, and produce of the estate of the said —.

1. Now I certify that the said — and — have entered into a recognizance, duly acknowledged by them, for the said —'s answering the estate of the said —, and accounting for the rents, profits, and produce thereof, as the receiver of the said —.

2. And I further certify that I have caused the said recognizance of the said —, and his said sureties, to be enrolled in the High Court of Chancery, and, that the security of the said —, and his appointment as receiver of the estate of the said —, are completed.

CERTIFICATE FIXING KIN TO ATTEND ON PROCEEDINGS.

(Vide page 21.)

In the matter of E. P., Spinster, a person of unsound mind.

To the Right Honorable the Lord High Chancellor of Great Britain.

I have been attended by Messrs. H. and H., as solicitors for W. B., the Committee of the estate of the said Lunatic, and by Mr. E. L., as solicitor for T. P., W. P., and E. G., some of the next of kin, *ex parte paternd*, and by Mr. J. P. as solicitor for A. G., T. P., M. P., and J. B., the others of the next of kin, *ex parte paternd*; and by Mr. C. B., as solicitor for J. P., P. P., and W. P. (the next of kin *ex parte maternd*); and having, in the presence of such solicitors, considered whether any, and, if any, which of the said next of kin of the said Lunatic is or are to attend on the proceedings in this matter generally, and having determined that the said A. G., T. P., M. P., and J. B. are those of the next of kin who are so to attend, I certify that the said A. G., T. P., M. P., and J. B. are the persons to whom I have given liberty to attend on the proceedings, before the Masters in Lunacy, in this matter generally.

FORMS OF PROCEEDINGS AS TO ACCOUNTS OF COMMITTEES
AND RECEIVERS.

(Vide chapter 7, page 48.)

(The account as brought in should be book-wise, with a quarter margin, and the lines not close.)

(FORM OF ACCOUNT.)

In the matter of A. B., a Lunatic.

THE SECOND ACCOUNT OF J. T., the Committee of the Estate, of his Receipts, and of his Payments and Allowances, as such Committee, from the first January, 1856, to the 31st December, 1856 (both days inclusive).

RECEIPTS FOR RENT.

Premises.	Tenants.	Arrears at 1st Jan., 1855.	Annual Rents.	Rents Received.	Deductions for Income Tax.	Arrears at 31st Dec. 1855.	Observa- tions.
NORWICH.							
1 House . . .	J. Holmes . . .	£ s. d. 15 0 0	£ s. d. 30 0 0	£ s. d. 30 0 0	£ s. d. 2 0 0	£ s. d. 15 0 0	(Here mention up to what day rents are re- ceived, any change of Tenancy during the year,—any variations of rent,—any period during which a tenant has been unoc- cupied, and any arrear of rent considered irrecoverable, &c., &c.)
2 Stables & Garden . . .	P. Thomas . . .	5 0 0	10 0 0	10 0 0	0 13 4	5 0 0	
2 Same premises	S. Hay (late tenant)			5 0 0	0 6 8		
IPSWICH.							
3 House . . .	S. Hobbs . . .	20 0 0	40 0 0	40 0 0	2 13 4	20 0 0	
4 Maltheuses . .	P. Stiles . . .	5 0 0	10 0 0	15 0 0	1 0 0		
BUNGAY.							
5 Field . . .	R. Jones . . .	7 0 0	14 0 0	21 0 0	1 8 0	4 0 0	
6 Cottage . . .	T. Simons . . .	2 0 0	4 0 0	2 0 0	0 2 8	&c.	
&c.	&c.	&c.	&c.	&c.	&c.		
Totals . . .		£ 272 3 4	794 3 6	920 7 2	80 0 0	253 5 9	
(The mention of each holding need not be more full than is necessary to identify and to con- nect one account with another.)				£ 80 0 0	Income Tax Deducted.		
The holdings to be numbered and preserved in the same order in successive accounts.				840 7 2	Net amount received.		

(The account as brought in should be book-wise, with a quarter margin,
and the lines not close.)

To be left
blank for
Master's
notes.

GENERAL RECEIPTS.

	1856.		£ s. d.
	Jan. 5.	Balance due from Committee on first account Of Samuel Roberts, one year's interest on £2,000 mortgage to, &c. (deducting £5 6s. 8d. for Income Tax)	125 0 0
	„ 10.	Of Accountant-General, * half-year's Dividends on £ 3 per Cent. Consols, due 5th in- stant (deducting Income Tax)	74 13 4
	July 20.	Ditto, ditto, due 5th instant (deducting Income Tax)	14 0 0
		(If there be several Receipts from the same source, enter them consecutively.)	14 0 0
	Feb. 10.	Of Accountant-General, pursuant to Order made, &c. &c., &c., &c.	120 0 0
		Total received	425 0 0

* Where there are receipts from the Accountant-General, give the total of each item as it appears in the Accountant-General's account, and not the half-yearly, or other details of such items.

To be left
blank for
Master's
notes.

PAYMENTS AND ALLOWANCES.

	1856.		£ s. d.
	Jan. 5.	IN RESPECT OF CHARGES ON THE ESTATE. To Thomas Stone, half-year's Interest on the mortgage for £1,000 to, &c., less £1 13s. 4d. for Income Tax	23 6 8
	July 10.	To ditto, ditto, &c., less, &c. &c., &c.	23 6 8
		(Place all payments in respect of the same charge consecutively).	
		Total for Charges	59 0 0
		IN RESPECT OF RENTS, TAXES, AND INSURANCE.	
	Jan. 10.	For Land Tax for house in occupation of, &c., for year ending, &c.	2 0 0
	Jan. 7.	Sun Insurance Company, for Insurance on same house, for year ending, &c. &c., &c.	3 0 0
		(Place several payments in respect of the same Rent, Tax, &c., consecutively. State as to the payments in respect of what portions of the property they are made. And as to the periodical payments, mention the time in respect of which they are made.)	
		Total for Rents, Taxes, &c.	60 0 0
		IN RESPECT OF REPAIRS.	
	Mar. 7.	House in occupation of J. Holmes. To Thomas Gee, builder	150 0 0

To be left
blank for
Masters'
notes.

PAYMENTS AND ALLOWANCES—(CONTINUED).

		£	s.	d.
	IN RESPECT OF REPAIRS—(Continued).			
	House in occupation of S. Hobbs.			
	To Samuel Jones, bricklayer	23	5	0
	To R. Sanders, carpenter.	7	15	0
	&c., &c.			
	(Entering all Repairs in respect of each portion of the property together under the head of that portion.)			
	Total for Repairs	£	181	0 0
	IN RESPECT OF MAINTENANCE.			
Mar. 29.	To John Collins, Committee of the person, for one quarter's allowance for maintenance to the 25th instant	100	0	0
July 1.	Ditto for one quarter to 24th ult.	100	0	0
	&c., &c.			
	(Entering all payments in respect of Maintenance consecutively.)			
	Total for Maintenance	£	600	0 0
	MISCELLANEOUS PAYMENTS AND ALLOWANCES.			
	Paid into Court on the — day of, &c., the balance of 1st account	125	0	0
Dec. 31.	One year's per-centage on Lunatic's income to 28th Oct., 1856	20	0	0
	To Robert Giles, Poundage for collecting the Rents of the small houses (on £50) received at 5 per cent.	2	10	0
	&c., &c.			
	(Any petty payments to be entered in the aggregate.)			
	Costs of Committee on passing this account.			
	To Messrs. Roberts and Co., Costs of Next-of-kin thereon			
	Total for Miscellaneous payments	£	165	10 2

SUMMARY.

	RECEIPTS.	£	s.	d.
Rents		840	7	2
General Receipts.		425	0	0
Total Receipts	£	1,265	7	2
	PAYMENTS.	£	s.	d.
Charges.	59	0	0	
Rents and Taxes	60	0	0	
Repairs	181	0	0	
Maintenance	600	0	0	
Miscellaneous	165	10	2	
Total Payments and Allowances	£	1,065	10	2
Balance due from Committee	£	199	17	0

The above Balance to be paid into Court on or before the day
of , 18 .

The amount of fund in Court, to which the above-named
Lunatic was entitled on the day of , 18—, was
as follows :—

In Bank, 3 per Cent. Annuities, £1,000.

&c. &c.

The next Account, made up to , to be brought in on or
before the .

(*The Account should not be sworn 'till it has been passed.*)

AFFIDAVIT OF COMMITTEE VERIFYING ACCOUNT. (*Vide page 50.*)

In the matter of A. B., a person of unsound mind.

I, C. D., the Committee of the estate of the said A. B., make oath and say, that the foregoing account doth, to the best of my knowledge and belief, contain a just and true account of the several sums of money which have been received, retained, and paid by me, or by any other person or persons whomsoever, by my order, or for my use, on account of the said lunatic or his estate, from the — day of —, to the — day of —. And that the several sums of money in the said account, mentioned to have been retained and paid, were really retained and paid, for the purposes therein mentioned, and that all the matters and things therein stated are true, and that there is no error or omission in the said account, to the best of my knowledge and belief. And I further say that —, and —, my sureties, are living, and have not been declared bankrupt or insolvent.

Sworn, &c.

AFFIDAVIT OF EXECUTOR OF COMMITTEE VERIFYING ACCOUNT. (*Vide page 49.*)

In the matter of A. B., a Lunatic.

I, J. L., the executor of H. H. S., deceased, the late Committee of the estate of the said Lunatic, make oath and say, that the foregoing account doth, to the best of my knowledge and belief, contain a just and true account of the several sums of money which were received, retained, and paid by the said H. H. S., deceased, or by any other person or persons whomsoever, by his order, or for his use, on account of the said Lunatic or his estate, from the — day of —, to the — day of —, the day of the decease of the said H. H. S. And I further say, that the several sums of money in the said account, mentioned to have been retained, paid, or allowed by the said H. H. S., were, as I verily believe, really retained, paid, or allowed by him, the said H. H. S., for the purposes in such account mentioned, and that the matters

and things therein stated are true, and that there is no error or omission in the said account, to the best of my knowledge and belief.

Sworn, &c.

REPORT ON ACCOUNT. (*Vide page 50.*)

No report or certificate on the passing of an account is now given, unless it should be required for ascertaining the balance due on a final account, or for the payment into Court of a balance, or a sum on account of the balance, in which case the following certificate is given (*with others, according to circumstances*). *Vide Act, 1853, Sec. 67.*

In the matter of —, a —.

To the Right Honorable the Lord High Chancellor of Great Britain.

Whereas there is due from —, the Committee of the estate of the said —, on his — account, which was allowed by me on, &c., the sum of £—.

1. Now I hereby direct that the said —, as such Committee, do, on or before the — day of —, pay into the Bank of England, with the privity of the Accountant General of the Court of Chancery, to the credit of *this matter*, the said sum of £—.

2. And I hereby further direct that the said sum shall, when so paid in, be laid out in the purchase of Bank £3 per cent. Annuities, in the name and with the privity of the said Accountant General, in trust in this matter.

All which I humbly certify to your Lordship.

AFFIDAVIT OF COMMITTEE IN LIEU OF FORMAL ACCOUNT.

[*This Form is to be adapted to the circumstances of the case.*]

IN LUNACY.

In Re A. B., a Lunatic.

I, A. B., of, &c., the Committee of the Estate of the above-named Lunatic, make oath and say, that the whole property of the said Lunatic is as follows [*state briefly the property*]. And that the amount of the clear net Income of the said Lunatic is —, or thereabouts, and that under Order of the Lord Chancellor, bearing date, &c., the whole of the Income of the said Lunatic is ordered to be retained by me, and applied in and for the maintenance of the said Lunatic, and that I have received no monies or effects, as such Committee, beside such Annual Income. And I further say, that C. D., of, &c., and E. F., of, &c., my sureties, are both living, and have not been declared Bankrupt or Insolvent.

Sworn, &c.

Notes.—On leaving the Affidavit, take out Warrant to proceed; and on attending same, be prepared to produce the Report of Property, and the Order for Maintenance; also the Accountant-General's Certificate of the Fund in Court.

ORDER DIRECTING COMMITTEE OF ESTATE TO CARRY IN AND PASS HIS ACCOUNTS. (*Vide chap. vii. page 48 to 51.*)

In the matter of W. L., a person of unsound mind.

Whereas J. J. J. did, on, &c., prefer his Petition in this matter, stating as therein is stated, and praying that S. K., the Committee of the Estate of the said W. L. might be ordered, within ten days after service upon him of a copy of the Order, to be made hereon to carry into the Office of the Masters in Lunacy his accounts of his receipts and payments as such Committee as aforesaid from the 2nd day of November, 1857, to the 2nd day of November, 1862, and proceed to pass and complete the same before the said Masters. And that in case default should be made by the said S. K. in carrying in his accounts as aforesaid, or in passing or completing the same, the Petitioner might take such steps or proceedings as the Masters in Lunacy, or one of them, should approve of and direct, upon the Bond entered into by the said S. K., and by R. S. and H. S. as his sureties. And that the reasonable and proper costs, charges, and expenses of the Petitioner of and occasioned by this application and consequent thereon, might be taxed. And that the amount thereof might be paid by the said S. K. to the Petitioner. Whereupon all parties concerned were ordered to attend, &c. Now upon hearing the said Petition, the Master's Certificate, dated the 14th day of February, 1863, of default of the said S. K. as such Committee aforesaid in delivering in his account, and the affidavit of L. S., filed the 22nd day of April instant, of the service of the said Petition on the said S. K. read, and what was alleged by the Counsel aforesaid. We do order that the said S. K. do, within ten days after the service upon him of a copy of this order, carry into the office of the Masters in Lunacy his accounts of his receipts and payments for and on account of the said W. L., and his estate as the Committee thereof, from the 2nd day of November, 1857, to the 2nd day of November, 1862, and proceed to complete and pass the same before the said Masters within such time as the Masters may direct. And that in case default shall be made by the said S. K., in carrying in his accounts, or in passing or completing the same, the said Petitioner, J. J. J., do take such steps or proceedings as the Masters in Lunacy shall approve of and direct upon the bond entered into by the said S. K., and by R. S. and H. S. as his sureties. And we do order that the reasonable and proper costs, charges, and expenses of the Petitioner, J. J. J., of and occasioned by this application, and consequent thereon, be taxed. And that the amount thereof, to be certified by the Taxing Master, be paid by the said S. K. to the said J. J. J. within one month after the service of a copy of the Taxing Master's Certificate, and of this Order upon the said S. K.

J. L. KNIGHT BRUCE, L. J.
G. J. TURNER, L. J.

FORMS OF PROCEEDINGS AS TO THE DISCHARGE OF A COMMITTEE, AND THE APPOINTMENT OF A NEW COMMITTEE.

(*Vide chapter viii. pages 52, 53.*)

PETITION FOR THE DISCHARGE OF A COMMITTEE (*where such application necessary*).

In the matter of E. J. C., a Lunatic.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble petition of F. T., of —, the Committee of the person and estate of the above named Lunatic.

Showeth,

That a Commission having issued to inquire of the lunacy of the said E. J. C., she was, by Inquisition duly taken thereon, on, &c., found to be, &c.

That in pursuance of an order made, &c., the custody of the said lunatic's person and estate was duly granted to your petitioner, on, &c.

That your petitioner has duly passed her accounts as such Committee, as aforesaid, of the said lunatic's estate, down to, &c., since which time neither your petitioner nor any person, for her use, has received or paid any sum or sums of money on account of the said lunatic's estate, except the annual sum allowed for the support of the said lunatic, and also except two certain sums of £— and £—, which, after certain deductions therefrom, as directed by an order in this matter, dated, &c., have been duly invested in the purchase of Bank £3 per cent. Consols, and the same now form part of the funds standing in the name of the Accountant General of this Court, in trust in this matter.

That in consequence of, &c. [*state the reasons for the petitioner's desiring to be discharged*].

That —, a [*relative*] of the said lunatic, has expressed his willingness to undertake the duties of the said Committeeship, in the place and stead of your petitioner.

Your petitioner, therefore, humbly prays your Lordship that she may be discharged from the Committeeship of the person and estate of the said E. J. C., and that her appointment may be revoked.

Or that your Lordship will be pleased to make such further or other order in the premises as to your Lordship shall seem meet.

And your petitioner will ever pray, &c.

Answer.

[*Date.*] Let all parties concerned attend me, &c.

(L. C.)

ORDER FOR DISCHARGE OF COMMITTEE. (*Vide pages 52, 53.*)

In the matter of P. P., a person of unsound mind. And in Chancery, &c.

Whereas —, Esq., one of the Masters in Lunacy, by his Report in the above matter, dated, &c., found and certified, &c. (*as to former Committeeship,*

fortune and maintenance of the Lunatic). And whereas G. C., and H. M., his wife, did, on, &c., prefer their petition, stating as therein is stated, and praying that the said Report might be confirmed, and that the said [Committee] might be discharged from the Committee-ship of the estate of the said P. P., and that the grant thereof to him might be revoked, and that the care and management of the estate of the said P. P. might be granted to the said G. C., and that, &c., and the said [Committee] might be directed to pay the said sum of £—, so found due from him as aforesaid, into the Bank in the name of the said Accountant General, to the credit of the said matter, within one week after the service of the order to be made on the said petition. And that in default of such payment, &c., further directions might be given for the recovery thereof; and that it might be referred, &c. (*to tax and pay costs*); Whereupon, &c.; And the matter of the said petition coming on to be heard before us, &c.; We do order that the said Report be confirmed, and that the grant of the care and management of the estate of the said P. P. to the said [Committee], which passed the Great Seal on the — day of, &c., be revoked. And we do commit and grant the custody, regulation, occupation, disposition, and receipt of the estate of the said P. P. to the said G. C., of, &c., in the place and stead of the said [*late Committee*]. And we do further order that the sum of £— a year be allowed for the maintenance, &c., until further order, in addition to the sum of, &c., hitherto allowed for that purpose, &c. And we do further order, &c. [*as to payment of funds to Committee. Then follow directions for taxation and payment of costs.*]

Entd. (L. S.)
C. N. N.

(Signed) J. L. KNIGHT BRUCE, L. J.
G. J. TURNER, L. J.

STATE OF FACTS, ETC., FOR APPOINTMENT OF A NEW COMMITTEE ON THE
DEATH OF A FORMER ONE. (*Vide pages 52, 53.*)

IN LUNACY.

In the matter of A. B., a Lunatic.

The State of Facts and Proposal of C. D., one of the next of kin of the said A. B., as to the appointment of a new Committee of the person and estate of the said A. B.

That by an Inquisition taken on, &c., it was found, &c.

That the custody of the person of the said A. B., and the care and management of his estate were duly granted to E. F., of —, on the — day of —.

That the said E. F. departed this life on or about the — day of —.

That —, Esq., one of the Masters in Lunacy, by his Report made in this matter, bearing date, &c., certified that the fortune of the said A. B. consisted of, &c. [*state it in general terms*]. And that he was of opinion that, regard being had to the circumstances and estate of the said lunatic, it was fit and proper that the annual sum of £— should be allowed for his maintenance and support, according to the following scheme (*viz.*) [*state it*].

That G. H., of —, is a highly respectable person, and a very fit and proper person to be appointed, and is willing to be appointed Committee of the person and estate of the said A. B., and to give the requisite security for the due protection of his estate. And is also willing to visit the said lunatic from time to time, as he may be required, and do what may be necessary for his comfort and advantage.

The said C. D. therefore proposes that the said G. H. should be appointed the Committee of the person and estate of the said A. B., in the place and stead of the said E. F., so now deceased, as aforesaid. And that the allowance hereinbefore mentioned to be made for the maintenance and support of the said A. B., should continue to be made for such purpose.

And the said C. D. craves leave, &c.

NOTE.—The evidence in support of this State of Facts and Proposal would be the several records in the lunacy referred to, with an affidavit as to the death and identity of the deceased Committee, and two affidavits as to the eligibility of the proposed Committee as on the original appointment of a Committee.

AFFIDAVIT AS TO DEATH AND IDENTITY OF LATE COMMITTEE. (*Vide page 53.*)

IN LUNACY.

In the matter of A. B., a Lunatic.

I, J. G., of —, make oath and say, that I knew and was well acquainted with E. F., of —, the late Committee of the person and estate of the said A. B., and that he, the said E. F., departed this life on the — day of —. And that the extract from the Register of Burials, hereunto annexed, relates to the burial of the said E. F., who was, as hereinbefore stated, the Committee of the person and estate of the said A. B.

Sworn, &c.

PETITION TO CONFIRM REPORT APPROVING OF NEW COMMITTEE (*where a petition should be necessary*). (*Vide page 53.*)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

To the Right Hon. the Lord High Chancellor of Great Britain.

The humble petition of C. D., of —, and one of the next of kin of the said A. B.

Showeth,

That —, Esquire, one of the Masters in Lunacy, by his Report made in this matter, bearing date, &c., certified, &c.

[*Recite the Report approving a new Committee.*]

That your petitioner is anxious that the said Report should be confirmed.

Your petitioner therefore humbly prays your Lordship that the said

Master's said Report may be confirmed, and that the said G. H., may be appointed the Committee of the person and estate of the said A. B., in the place and stead of E. F., deceased, the late Committee of the person and estate of the said A. B., upon his giving the usual security. And that the annual sum of £—, being the sum which was formerly allowed for the maintenance and support of the said A. B., should continue to be allowed for such purpose. [*Ask for such directions as the circumstances of the particular case may seem to require.*] And that it may be referred to the Taxing Master in rotation of the High Court of Chancery, to tax and certify the reasonable and proper costs, charges, and expenses of your petitioner, and of the other next of kin of the said A. B., of the proceedings before the said Masters, consequent upon the death of the said E. F., and of and incident to this application, and consequent thereon. And that the amount of such costs, charges, and expenses respectively, when so taxed and certified, may be paid by the said G. H. out of the rents and profits of the said lunatic's estate. (*Or by the Accountant-General out of Funds in Court as the case may be.*)

And your petitioner will ever pray, &c.

FORMS OF PROCEEDINGS AS TO ADVERTISING FOR KINDRED AND CREDITORS, AND PAYMENT OF DEBTS. (*Vide page 20, 24.*)

FIRST ADVERTISEMENT FOR KINDRED. (*Vide page 20.*)

PURSUANT to the Lunacy Regulation Act, 1853, Any person or persons claiming to be the heir or heirs-at-law, or next of kin, or entitled under the Statute of Distribution (in case she was now dead intestate), to share in the estate of —, formerly of, &c., but now and for some years past residing at &c., spinster (being of unsound mind), are forthwith to come in and prove their kindred before the Masters in Lunacy, at their office, No. 45, Lincoln's Inn Fields, &c. or in default thereof they will be excluded the benefit of the Inquiry now pending relative thereto. The said [*lunatic*] was one of the children of —, and —, his wife, who, prior to her marriage with the said —, was —, and prior thereto was —, spinster, and which — [*the lunatic*], was born in the year 18—.

— March, 18—. *Let this Advertisement be published in the*
London Gazette. }
Times, &c. }

SECOND ADVERTISEMENT FOR KINDRED. (*Vide page 20.*)

PURSUANT to the Lunacy Regulation Act, 1853, Any person or persons claiming to be the heir or heirs-at-law, or next of kin, or entitled under the

Statute of Distribution (in case she was now dead intestate), to share in the estate of, &c. (*as above*), are, on or before the — day of, &c., to come in and prove their kindred before the Masters in Lunacy, at their office, No. 45, Lincoln's Inn Fields, &c., or in default thereof they will be peremptorily excluded the benefit of the Inquiry now pending relative thereto. The said — was one of the children of —, and —, his wife, &c. (*as above*).

— March, 18—. *Let this Advertisement be published in the London Gazette. Times, &c.*

FIRST ADVERTISEMENT FOR CREDITORS. (*Vide page 24.*)

PURSUANT to the Lunacy Regulation Act, 1853, The creditors of —, formerly of, &c., but now and for some years past residing at, &c., spinster, a person of unsound mind, are forthwith to come in and prove their debts before the Masters in Lunacy, at their office, No. 45, Lincoln's Inn Fields, &c., or in default thereof they will be excluded the benefit of the Inquiry now pending relative thereto.

— March 18—. *Let this Advertisement be published in the London Gazette. Times, &c.*

SECOND ADVERTISEMENT FOR CREDITORS. (*Vide page 24.*)

PURSUANT to the Lunacy Regulation Act, 1853, the creditors of —, formerly of, &c., but now and for some years past residing at, &c., spinster, a person of unsound mind, are, on or before the — day, of, &c., to come in and prove their debts before the Masters in Lunacy, at their office, No. 45, Lincoln's Inn Fields, in the county of Middlesex, or in default thereof they will be peremptorily excluded the benefit of the Inquiry now pending relative thereto.

— March, 185—. *Let this Advertisement be published in the London Gazette. Times, &c.*

PETITION FOR PAYMENT OF DEBTS (WHERE NECESSARY). (*Vide page 30, 31.*)

In the matter of D. G., a person of unsound mind.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble Petition of J. G., of —, the Committee of the estate of the said D. G.

Showeth,

That [*recite Inquisition.*]

[*Recite Order as to Committees, property, &c., and reference as to debts (if any).*]

[*Recite Report as to Debts.*]

[*State such other facts as may be required.*]

Your petitioner therefore humbly prays your Lordship that the said Report of the said —, dated the, &c., may be confirmed, and that

your petitioner may be at liberty to pay [*or that there may be paid*] to the said several persons mentioned in the Schedule to the said Report, the several sums found due to them, in respect of their debts and costs, by the said Report, together with subsequent interest on the principal of such of the said debts as carry interest, the amount thereof to be verified by affidavit; the payment to E. H., named in the said Report, to be made on his delivering up to your petitioner the said policy of assurance, and all other securities for his said debt. Or that your Lordship will be pleased to make such further or other order in the premises as to your Lordship shall seem meet. And your Lordship will ever pray, &c.

Answer.

[Date.] Let all parties concerned attend me, &c.

ORDER FOR PAYMENT OF DEBTS. (*Vide page 31.*)

In the matter of D. G., a person of unsound mind.

[*Recital of Report made as to property, debts, &c.*]

[*Recital of petition for confirmation thereof.*]

[*Whereupon all parties concerned were ordered to attend, &c.*]

ORDER [*on hearing*].—That the said Report be confirmed, and that the said Accountant General do pay to the several creditors of the said D. G., whose names are enumerated in the Schedule to the said Master's Report of the — day, &c., the several sums set opposite to their respective names, where the debt or debts are reported singly, or the personal representative or representatives of such creditor or creditors respectively, and to any or either of the persons where the debt or debts is or are reported due to more than one creditor, or to the personal representative or representatives of the survivor of such creditors respectively, the death of such creditors respectively to be verified by affidavit and the production of probate copies of wills or letters of administration, together with subsequent interest on such of the said debts as carry interest, the total amount of such debts and subsequent interest to be verified by affidavit. And I do hereby further order that it be referred to the Taxing Master, &c., to tax, &c.

FORM OF PROCEEDINGS AS TO REPAIRS.

STATE OF FACTS AND PROPOSAL AS TO REPAIRS. (*Vide page 41.*)

IN LUNACY.

In the matter of A. B., a person of unsound mind.

The state of Facts and Proposal of C. D., the Committee of the estate of the said A. B., as to certain repairs to a part of the said A. B.'s estate.

That —, Esquire, by his Report made in this matter on, &c., certified that the said A. B.'s property, amongst other things, consisted of a freehold dwelling-house and premises, situate at, &c.

That the said dwelling-house and premises have been occupied by —, at the annual rent of £—, and that such rent has been duly paid as the same became due.

That the said tenant has given notice to the said C. D. that certain repairs, the particulars whereof are set forth in the schedule hereto, are required to be done to the said premises, to render them fit for occupation.

That the said C. D. hath carefully examined the state and condition of the said premises, and hath employed —, of —, the surveyor to the said Lunatic's estate, to examine and survey the same, and that from such examinations and survey it is considered that the said repairs are necessary and proper to be done to the said premises.

That —, of —, a builder, hath been requested to furnish an estimate of the expense of such repairs, and that the amount of his estimate for the same is £—, for which sum he is ready to enter into a contract to execute such repairs on or before the — day of, &c.

That the said surveyor to the said lunatic's estate hath examined such estimate, and is of opinion that the same is fair and reasonable, and that the contract of the said —, to do such repairs, and complete the same on or before, &c., for the said sum of £—, should be accepted.

That by the last account of the said C. D. passed in this matter, to the — day of —, it appears that the balance then remaining in his hands on account of the said lunatic's estate, amounted to the sum of £—, and that such sum of £— is applicable to the expense of such repairs.

The said C. D. therefore submits that, regard being had to the nature of the said A. B.'s interest in the said premises, it is fit and proper that the said repairs should be done, and he proposes that the contract of the said —, to do the same for the sum of £—, within the time hereinbefore mentioned, should be accepted. And that the said sum of £—, when such repairs shall be reported by the said surveyor to have been done to his satisfaction, and according to the said estimate and contract of the said —, should be paid by the said C. D., and allowed to him on passing his next account of receipts and payments in respect of the said lunatic's estate.

And the said C. D. craves leave, &c.

The Schedule above referred to, containing the particulars of the work required to be done to the premises above mentioned.

(State the particulars of the work to be done.)

NOTE.—The evidence in support of this State of Facts and Proposal would be—

- 1st. The Affidavit of the Committee verifying the several facts stated (*if in the particular case an Affidavit were required*).
- 2nd. The Certificate of the Surveyor, as to his Examination of the Premises, and the reasonableness of the estimate.

3rd. The Specification and Estimate, and the Contract of the Builder.

4th. The Office Copy of the Committee's Account, to show the balance in his hands applicable to the payment of the expenses.

On the completion of the work—the Certificate of the Surveyor that it had been satisfactorily done should be obtained, to be produced with the Receipt for the amount paid on passing the Account.

PETITION TO CONFIRM REPORT AS TO REPAIRS (*where necessary*). (*Vide Act 1853, secs. 70, 95, 96, and page 41.*)

IN LUNACY.

In the matter of A. B., a Lunatic.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble petition of C. D., the Committee of the estate of the said Lunatic,

Showeth,

That F. B., Esquire, one of the Masters in Lunacy, by his Report in this matter, bearing date, &c., certified, &c.

[*Recite Report.*]

That your petitioner is desirous that the said Report should be confirmed.

Your petitioner therefore humbly prays your Lordship that the said Report may be confirmed, and that your petitioner may be at liberty to cause the several repairs, certified by the said Master as necessary and proper to be done to the said messuage, or dwelling-house and premises, to be done thereto accordingly, and that he may be at liberty to expend in such repairs the said sum of £—, and that such amount be raised and paid (*state in what way it is proposed to pay the expense of the repairs*).

And your petitioner further prays your Lordship that it may be referred to the Taxing Master, &c., to tax, &c. And that such costs, charges, and expenses respectively, when so taxed and certified, be paid, &c.

And your petitioner will ever pray, &c.

FORMS AND PROCEEDINGS AS TO LEASES. (*Vide pages 44, 45.*)

STATE OF FACTS AND PROPOSAL AS TO GRANTING A LEASE.

IN LUNACY.

In the matter of A. B., a Lunatic.

The State of Facts and Proposal of C. D., the Committee of the estate of the said A. B.

That by an Inquisition taken at, &c., the said A. B. was found to be, &c.

That in pursuance of an Order made in this matter on, &c., the care and management of the estate of the said Lunatic were duly granted to the said C. D.

That —, Esq., one of the Masters in Lunacy, by his Report, bearing date, &c., certified that the fortune of the said Lunatic consisted of, amongst other estates, a freehold messuage, or dwelling-house and premises, &c., situate at —, and then in the occupation of E. F., at the yearly rent of £—.

That the said premises are now, and have been for —months past, in the occupation of G. H., at the yearly rent of £—, and that he, the said G. H., hath expressed a desire to take a lease of the said premises for the term of — years, and upon the terms and conditions mentioned and specified in a certain Draft Lease, marked with the letter A, which accompanies this State of Facts, and at the foot of which Draft Lease the said G. H. hath expressed his approval thereof.

That it is considered to be for the benefit of the said Lunatic and his estate, that a lease should be granted to the said G. H., of the said messuage and premises, at the rent, for the period, and under and subject to the several terms, covenants, and conditions mentioned and specified in the said Draft Lease.

The said C. D. therefore proposes that the said Lease should be granted to the said G. H., in manner aforesaid.

And the said C. D. craves leave, &c.

NOTE.—This proposal should be supported by an affidavit of a competent surveyor, or land agent, as to the terms of the lease being beneficial to the Lunatic and his estate, and by evidence as to the eligibility of the proposed Lessee.

PETITION TO CONFIRM REPORT APPROVING LEASE (*where necessary*). (*Vide Act 1853, secs. 70, 95, 96, and General Order, 54.*)

IN LUNACY.

In the matter of A. B., a Lunatic.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble petition of C. D., the Committee of the said Lunatic's estate, *Showeth,*

That F. B., Esquire, one of the Masters in Lunacy, by his Report made in this matter, and bearing date, &c., certified, &c. [*Recite Report.*]

That your petitioner is desirous that the said Report should be confirmed.

Your petitioner therefore humbly prays your Lordship that the said Report may be confirmed, and that a lease may be granted to the said G. H. of the said messuage, or dwelling-house and premises, for the period, and under and subject to the several terms, covenants, and conditions mentioned and set forth in the said Draft Lease, and in the said Report, and that your petitioner may be at liberty, in the name and on the behalf of the said Lunatic, to execute the said Lease so as aforesaid approved of by the said Master, upon the said G. H. executing a counterpart thereof.

And your petitioner further prays your Lordship that it may be referred to the Taxing Master, &c., to tax and certify the reasonable and proper

costs, charges, and expenses of your petitioner, and of the heir-at-law and next of kin of the said Lunatic, of and incident to the treaty for the said Lease, &c. And that the amount of such costs, charges, and expenses respectively, when so taxed and certified as aforesaid, be retained and paid, &c., out of the said Lunatic's estate. And your petitioner will ever pray, &c.

ORDER MADE ON SAME. (*Vide General Order 54.*)

In the matter of A. B., a Lunatic.

Whereas F. B., Esquire, one of the Masters in Lunacy, by his Report bearing date, &c., certified that he was of opinion that it was fit and proper, and for the benefit of the said Lunatic, and his estate, that a lease of, &c., should be granted, &c.

And whereas —, the Committee of the estate of the said Lunatic, did, on, &c., prefer his petition to me, stating, &c.

Whereupon I ordered, &c. And the matter of the said petition coming on, &c. Now upon hearing the said petition, and the Report of the said Master, bearing date, &c., read, and what was alleged, &c., I do think fit, and hereby order that the said Report be confirmed, and that the agreement therein referred to be adopted and carried into effect. And I do think fit, and hereby further order that it be referred to the Taxing Master of the High Court of Chancery, to whom the taxation of costs in this matter stands referred, to tax and certify, &c.

ANOTHER AND USUAL ORDER.

We do order that the said Report be confirmed, and that the agreement dated, &c., entered into, by, &c., to take a lease of the messuage, &c., mentioned in the said Report be adopted and carried into effect, by granting a lease of, &c., to the said, &c., in conformity with the draft lease mentioned in the said Report. And we do further order that the reasonable and proper costs, charges, and expenses of (*Committee*) and of the co-heirs and next of kin of the said Lunatic, of the said Report, and this order and incident thereto, and consequent thereon be taxed, and that the Taxing Master do certify, &c., and that the amount, &c., certified (after deducting therefrom the taxed costs of the said lease, and a counterpart thereof, which the said Taxing Master is to deduct and certify accordingly) be paid by the said (*Committee*) of, &c., to the Solicitor, to whom, &c.

LEASE. (*Vide page 45.*)

THIS INDENTURE, made the — day of —, Between A. B. of —, a Lunatic, of the first part, C. D., of, —, as the Committee of the estate of the

said A. B., of the second part, and E. F. [*lessee*], of —, of the third part. WHEREAS, by an Inquisition [*recite it*]. AND WHEREAS by [*recite Grant to Committee*]. AND WHEREAS the said [*Lunatic*] is seised and absolutely entitled for an estate of inheritance in fee-simple in possession of and to the messuage, &c., hereinafter particularly described, and intended to be hereby demised. AND WHEREAS, in pursuance of the General Orders in Lunacy, F. B., Esquire, one of the Masters in Lunacy, by his Report made, &c. [*recite Report approving Lease*]. AN WHEREAS, by an Order made, &c. [*recite Order confirming such Reports*]. AND WHEREAS the said Master hath settled and approved of these presents as a proper Lease, to be granted to the said E. F., of the said messuage, &c., pursuant to the said last recited Order. And in testimony of his approval thereof hath signed his name in the margin of the first — skins of these presents. And his name and allowance in the margin of the — and last skin hereof. NOW THIS INDENTURE WITNESSETH, that in pursuance of the hereinbefore recited Order of, &c., and by virtue of the provisions of the Lunacy Regulation Act, 1853, and in consideration of the rents, covenants, conditions, and agreements, hereinafter reserved and contained by and on the part and behalf of the said E. F., his executors, administrators, and assigns, to be paid, kept, done, and performed, the said A. B., acting by the said C. D., as such Committee as aforesaid, hath granted, demised, leased, set, and to farm, let, and by these presents, doth grant, demise, lease, set, and to farm, let unto the said E. F. all that, &c. [*state the property in the usual terms, and the exceptions, if any*]. TO HAVE AND TO HOLD the said messuage, &c., except, &c., unto the said [*lessee*], his executors and administrators, for the term of —, to be computed from —, YIELDING AND PAYING therefore yearly and every year during the said terms, &c. [*in the usual form*]. [*Covenant of lessee to pay rent and taxes, to keep premises in repair, with other usual covenants of lessee*]. AND the said A. B., acting by the said C. D. so far only as he authorised by the aforesaid Act of Parliament, and the said recited Order, but not further or otherwise, DOth hereby, for himself, &c., covenant, promise, and agree with the said [*lessee*], his executors, &c., in manner following (*viz.*) [*To pay land tax and property tax, to allow timber for repairs, with other usual lessor's covenants*].

In witness, &c.

I approve of the above Lease, and agree to accept the same upon the terms and conditions therein set forth.

(Signed, E. F., Lessee.)

[Date.]

CERTIFICATE OF ALLOWANCE OF SAME. (*Vide page 45.*)

In the matter of —, a Lunatic.

To the Right Honorable the Lord High Chancellor of Great Britain

In pursuance, &c., I have been attended by the solicitors for, &c., and there having been laid before me the Draft of a Lease of the said [*farm, &c.*], at the rent

for the period, and under and subject to the covenants and conditions in my said Report mentioned, purporting to be made between [*describing the several parties*], I have settled and approved thereof, and such Lease having been engrossed, I have allowed the same, and in testimony thereof I have signed my name in the margin of the first and — following skins of the said engrossment, and my name and allowance in the — and last skin thereof. And I have also signed my name in the margin of each of the — skins of a counterpart thereof. All which, &c.

FORMS OF VARIOUS ORDERS AND DIRECTIONS RELATING TO THE GENERAL MANAGEMENT OF THE LUNATICS' ESTATES.

ORDER AS TO TAKING UP MONEY FOR DRAINAGE OF LUNATIC'S ESTATE.

That the said (*Committee*) be at liberty as Committee of the estate to borrow and take up from the said Inclosure Commissioners, under the provisions of the said Act, any sum not exceeding £5,000, upon the terms and conditions in the provisional certificate hereinbefore mentioned and set forth, and to apply the sum so borrowed and taken up, in the drainage of the several hereditaments and premises situate at M., in the county of W., the particulars of which are set out in the second schedule hereto.

ORDER TO APPLY FOR EXCHANGE OF LUNATIC'S LANDS.

1. That the said (*Committee*) be at liberty as Committee of the Estate of the said (*Lunatic*), and in his name, and on his behalf, to join with the said I. G. H., W. V. E., and W. V. E., the younger, in making an application to "The Inclosure Commissioners for England and Wales," for an order of exchange of the lands and hereditaments specified in the 2, 3, and 4 schedules hereunder written.

2. (*For taxation and payment of costs by Committee*).

ORDER AUTHORIZING COMMITTEE TO CONSENT TO ENCLOSURE OF COMMON.

1. That (*Committee*) be at liberty as Committee of the Estate of the said (*Lunatic*), and in his name, and in his behalf, to give the necessary consent to the said provisional order of the said Inclosure Commissioners for the enclosure of the said open and common fields of H. O. E. Hill, and C., in the parish of M., and the county of G.

2. (*For taxation and payment of costs*).

ORDER WHERE LUNATIC DECLARED BANKRUPT.

Where a Lunatic has been declared a bankrupt, notwithstanding he has ample means of paying his debts reported upon by the Master, the Committee may be directed, on realizing the funds, to "Pay and discharge the debts mentioned in "the second schedule (*to the Master's Report, &c.*), amounting together to "£—, and also the said taxed costs, fees, and expenses."

"And that upon the payment and discharge of the said debts, the said (*Committee*) do, as the Committee of the Estate, &c., take the necessary steps for "superseding the bankruptcy of the said Lunatic."

ORDER FOR LEASE WHERE LUNATIC JOINT LESSOR.

Where a Lunatic is interested with other persons in an estate proposed to be leased, the Committee is directed to concur in the lease as follows:—

"That the said (*Committee*) be at liberty as Committee, &c., and in her name, "and on her behalf, to join with the said, &c., in granting a lease of the said "land, &c.) to the said (*lessee*) on the terms and conditions of the said Draft "Lease thereof, so agreed to be taken by him."

ORDER FOR TAKING LEGAL PROCEEDINGS ON BEHALF OF LUNATIC.

Where legal proceedings are requisite for recovering the Lunatic's estate, it may be directed:—

"That the said (*Committee*) be at liberty, as Committee of the Estate of the "said (*Lunatic*), to take such proceedings as he may be advised, and as the "Masters in Lunacy shall approve of, for making her fortune available, and "compelling the said G. T. and A. A., to account for the balance of the proceeds "of sale of, &c., aforesaid, and for securing the same upon the trusts of Indenture "of Settlement of, &c."

ORDER AS TO A TRUST FUND IN WHICH LUNATIC INTERESTED.

Where the Lunatic is interested in a fund, the subject of a suit, the Committee may be directed to take steps as to it, as follows:—

"That the said (*Committee of Estate*) be at liberty, as Committee, &c., to "make, or join in making such application as may be necessary in the said cause "of, &c., or otherwise for the transfer into the name, and with the privity of the "Accountant General of the Court of Chancery, in trust in this matter, of the "share of the said (*Lunatic*) in the said £— Bank, &c., Annuities standing "in trust in the said cause, the account entitled," &c.

ORDER AUTHORIZING COMMITTEES TO APPLY FOR ACT OF PARLIAMENT
AS TO LUNATIC'S PARTNERSHIP.

In the matter of H. M., a person of unsound mind.

Whereas, F. B., Esq., one of the Masters in Lunacy, made his Report, bearing date, &c., and thereby found that it was expedient that the Committee of the Estate of the said H. M. should apply to Parliament for an Act to enable them, in the name and on behalf of the said H. M., under any order to be made in this matter, to enter into and execute such articles of partnership with his present partners or with any other person or persons, and for such period, and on such terms and conditions, as should by order in this matter be approved of for carrying on the business of, &c., mentioned in the said Report, called, &c. *And whereas* —, the Committee of the Estate of the said H. M., did, on, &c., prefer their Petition, &c., stating, &c., and praying, &c. *Whereupon* all parties concerned, &c., and the matter of, &c., coming on to be heard before us on this day, in the presence of counsel for the Petitioners of —, of counsel for, &c., the wife of the said H. M., and for H. B. M., her infant son, the next of kin of the said H. M., of —, of counsel for the, &c., &c. *Now*, upon hearing, &c., *We do order* that the said Report be confirmed, and that —, the Committees of the Estate of the said H. M. be at liberty to apply for an Act of Parliament, for the purpose of authorizing, in case the Lord Chancellor or Lords Justices of Appeal, entrusted by virtue of the Queen's Sign Manual with the care and commitment of the custody of the persons and estates of persons found Idiot, Lunatic, or of unsound mind, shall so direct the formation of a new or further Partnership for carrying on the business of, &c., between the said H. M., and such other persons, for such period, upon such terms, and with such provisions, and in such manner as the Lord Chancellor or Lords Justices entrusted as aforesaid shall direct, and of making any such new or further Partnership if formed, binding upon the said H. M. and his estate, and all persons claiming under him in the same manner, as if he being of sane mind had executed the Deed or Deeds to establish such Partnership. And we do order that notice of the Application to Parliament for the said Bill, be given to the said Lady M., and to V., &c., the sisters of the said H. M., and that this order be without prejudice to any question, whether the costs of any of the said parties appearing on the proceedings in Parliament relating to the said Bill, are to be paid out of the estate of the said H. M., *AND we do not think fit to make any other order at present upon the said Petition.*

(Signed) { J. L. K. B., L. J.,
 { G. J. T., L. J.

ORDER FOR TRANSMISSION OF RECORD OF INQUISITION, ETC., TO IRISH
CHANCERY.

In the matter of G. M., a person of unsound mind.

Whereas, J. J. J., the *ad interim* Committee of the Person and Estate of the

said G. M., did, on, &c., prefer his Petition in this matter, stating as therein is stated, and praying that the proper officer might be ordered to transmit a Transcript of the Record of the Inquisition in this matter to the Chancery of Ireland. *Whereupon*, all parties concerned were ordered to attend on the matter of the said Petition, on the then next day of Petitions whereof notice was to be given forthwith, and the matter of the said Petition coming on to be heard before us on this day in the presence of Mr. T., of Counsel for the Petitioner. *Now* upon hearing the said Petition read and what was alleged by the Counsel aforesaid, We do order that the proper Officer for that purpose, at the Petty Bag Office, do forthwith transmit a Transcript of the Record of the Inquisition dated, &c., taken on the execution of an Order for Inquiry concerning the lunacy of the said G. M. to the Chancery of Ireland, that the same may be there entered of Record for the purposes of the Lunacy Regulation Act, 1858.

J. L. K. B., L. J.

G. J. T., L. J.

ORDER FOR INQUIRING AS TO DECEASED LUNATIC'S HEIRS.

In the matter of J. D., a person of unsound mind, deceased.

Whereas, J. J. C., &c. &c., did on, &c., prefer their Petition in this matter, stating as therein is stated, and praying that the costs of all parties of, &c., might be taxed, and that £——, £3 per cent. Annuities, &c., might be sold, &c., and that the amount of such costs, &c., might be paid, and that the residue, &c., might be divided into — equal parts or shares, and be paid to the several persons therein mentioned. *WHEREUPON*, all parties, &c., were ordered, &c., and the matter of the said Petition coming on, &c., before *Us*, on this day, in the presence of, &c., for the petitioners, and of, &c., for W. R., &c., and of, &c., for J. D., the executor of the said J. D. deceased, and of, &c., for J. D., the Committee of the Estate, &c., &c. *Now* upon hearing the said Petition, a Report, &c., an order, &c., the Probate of the Will of the said J. D., deceased, and what was alleged by the Counsel aforesaid. We do order that it be referred to the Masters in Lunacy, to inquire and certify who were the heirs-at-law of the said J. D. at the time of his decease, and who is entitled, and in what shares, to the sum of £—— Bank £3 per cent. Annuities, standing in the name of the Accountant General in trust in the matter of James D. a person of unsound mind. "The proceeds of sale of Real Estates."

J. L. K. B., L. J.

G. J. T., L. J.

ORDER FOR DEPOSIT OF FOREIGN SECURITIES (IN COURT IN A SUIT).

Let the Defendant, M., within — days, deposit in a tin box, in the presence of the Solicitors for the Plaintiffs and the Defendants, 1839, Belgian

Bonds, being the residue of the, &c., mentioned, &c. And let such Box be endorsed, "In Chancery *J. v. L.*, Foreign Securities and Assurance Shares." And let the said Defendant M., within the time aforesaid, deposit such Box in the Bank with the privity of the Accountant-General to the credit of the said cause, *J. v. L.* And let such Box be delivered out within fifteen days after the first day of January and the first day of July in every year, to the Defendant, M., for the purpose of receiving the dividends on the said Belgian Bonds. And let the said Defendant M., pay and apply such dividends in manner directed by the order dated, &c. And let the said Bonds be re-deposited in such Box immediately after the receipt of the dividends accrued due thereon, in the presence of the Solicitors for the Plaintiffs and the said Defendant M. And let the Defendant M., on or before the twentieth day of January and the twentieth day of July in every year, re-deposit such Box endorsed as aforesaid, in the Bank with the privity," &c.

ORDER AS TO DEPOSIT OF SECURITIES AT BANK.

In the matter of J. R. I., a person of unsound mind.

Report with directions as follows:—

3. THAT I., W. W. be at liberty on behalf of, &c. bank, in the presence of K. B. and G. H. E. as Solicitors for the said E. I. (*the Committee of the estate*), or one of them to enclose in a tin Box the 200 certificates for shares of £20 each in the Royal Danish Railway Company, numbered from 3,300 to 3,499, both inclusive, with the coupons or dividend warrants attached thereto, such Box to be endorsed "In the matter of *J. R. I.*, a person of unsound mind—Royal Danish Railway Shares," and on or before the — day of —, to deposit the same Box so endorsed in the Bank of England, with the privity of the said Accountant General to the credit of this matter, such deposit to be duly verified by the affidavit of the said K. B. or G. H. E.

4. That the said Box be within 15 days from the 25th day of April and the 25th day of October in every year delivered out to the said E. I. (*the Committee*), or to the said K. B. and G. H. E., or one of them (*the Solicitors*), as the Solicitors for the said E. I. as the Committee of the estate of the said Lunatic for the purpose of removing from such certificates the coupons or warrants for the dividends then due thereon, and that immediately after such removal of the said coupons or warrants from the said certificates the same certificates be again enclosed in such Box, and that the said E. I., K. B., and G. E., or one of them do, on or before the 10th day of May and the 10th day of November in every year re-deposit such Box so endorsed as aforesaid in the Bank with the like privity of the said Accountant General.

5. Costs, &c., &c.

Fiat on the above.

26th June, 1863.

Upon reading an undertaking of Messieurs B. and E., dated this day, and

filed in this matter, *we do order* that this Report be confirmed, and do approve of the directions thereby submitted for our approval and do order accordingly.

(*Copy Undertaking.*)

Re I. R. I.

26th June, 1863.

Sir,—As Solicitors for the Honble. E. I., we undertake to re-deposit the certificates for the £4,000 Danish Railway Stock (with the coupons attached) mentioned in the Master's Report, dated the 17th June, 1863, immediately after the coupons of the half-yearly dividends, payable at the time of the delivery out of such certificates and coupons to us, have been detached as provided for in the said Report.

We are, Sir, your obedient Servants,

To the Registrar in Lunacy.

B. and E.

AFFIDAVIT AS TO DEPOSIT OF SECURITIES IN THE BANK, PURSUANT TO THE FOREGOING ORDER, &c.

IN LUNACY.

In the matter of I. R. I., a person, &c.

I, G. H. E., of, &c., gentleman, make oath and say as follows (that is to say),

1. I and my partner K. B. are the Solicitors for E. I., the Committee of the person and estate of the said I. R. I. in this matter.

2. I was present at the Bank of England on the 1st day of —, 186—, and did see I. W. W. (in the Master's Report made in this matter on the 17th June, 1863, and confirmed by Fiat dated the 26th of June, 1863, mentioned) on behalf of the — Bank, or some person on his behalf, enclose in a tin box, endorsed "In the matter of I. R. I., a person of unsound mind—Royal Danish Railway Shares," the 200 certificates for shares of £20 each in the Royal Danish Railway Company, numbered from 3,300 to 3,499, both inclusive, with the coupons or dividend warrants attached thereto, and I did also see the said I. W. W., or some person on his behalf, deposit the same Box, endorsed as aforesaid, and containing the said share certificates, with the coupons or dividend warrants attached thereto, in the Bank of England, with the privity of the Accountant General of the High Court of Chancery, to the credit of this matter. Such share certificates were enclosed in the said box, and the said box containing the said certificates was deposited in the Bank of England, in pursuance of the directions for that purpose contained in the Master's said Report of the 17th of June, 1863, confirmed by Fiat as aforesaid, and of the Accountant General's direction given in pursuance thereof.

Sworn, &c.

We undertake to produce the office copy certificate of the deposit of the tin box mentioned in this affidavit, when obtained. Dated 1st of July, 1863.

B. and E.

ANOTHER ORDER FOR DEPOSIT OF SECURITIES AT THE BANK.

In the matter of A. B., a person of unsound mind.

WHEREAS — did on, &c., prefer her petition in this matter, stating, &c., and praying, &c., whereupon, &c. Now upon hearing the said petition, the affidavit of C. D., of, &c., sworn, &c., read, and what was alleged by the Counsel aforesaid, WE DO ORDER that the said C. D. do deposit in a tin Box the ten notes of the India £5 per cent. Loan, all dated, &c., and bearing the following numbers, and being for the sums following, that is to say, eight Notes, numbered, &c., &c. And that such Box be endorsed with the words, "In the matter of A. B., a person of unsound mind—Foreign Securities." And that upon production to the Accountant General of an affidavit of the said C. D. that the said Box contains the said Notes, the said Box endorsed with the words, "In the matter of A. B., a person of unsound mind—Foreign Securities," be deposited by the said C. D., on or before the — day of, &c., in the Bank, with the privy of the Accountant General of the Court of Chancery, on the credit of this matter, subject to further order. And that the Governor and Company of the Bank of England do give the usual and customary receipt for the said Box, when the same shall be so deposited. And we do order that the costs and expenses of the said C. D. of attending before the Master in Lunacy, upon a summons to bring in the said notes, and of this application and the deposit of the said notes and consequent thereon respectively be taxed, and that the amount thereof to be certified by the Taxing Master be paid by the said E. F., as Committee of the estate of the said A. B., to the Solicitor to whom the Taxing Master shall certify that the same should be paid.

ORDER FOR OPENING BOX OF SECURITIES DEPOSITED AT BANK OF ENGLAND, IN TRUST IN THE MATTER, TAKING OUT AND RE-DEPOSITING SECURITIES.

In the matter of G. G., a person of unsound mind.

That the Box endorsed, "In the matter of G. G., a person of unsound mind—Foreign Securities," deposited in the Bank of England, with the privy of the Accountant General of the Court of Chancery, on the credit of this matter, on the — day of, &c., and now remaining on the credit of this matter, be delivered out to W. T. P. and A. J. P., or to one of them, as the Solicitors for the said S. A. G., the Committee of the Person and Estate of the said G. G., and that the said W. T. P. and A. J. P., or one of them, do take out of the said Box the ten notes now deposited therein, all of the India £5 per cent. Loan of the — day of, &c., and numbered, &c., and do receive the interest due on the said ten notes respectively.

That the said W. T. P. and A. J. P., or one of them, do thereafter sell and convert into money the notes numbered, &c., and that the said S. A. G., as such Committee of the estate of the said Lunatic, do execute such transfers of the said notes to the purchaser or purchasers thereof, as shall be necessary to complete the sales thereof.

That the proceeds of the said ten notes so to be sold, &c., and the interest on, &c., be paid by the said, &c., or one of them, into the Bank of England with the privity of the said Accountant General, to the credit of the matter of, &c., the amount of, &c., to be verified by affidavit.

That the said, &c., or one of them, do place in the said tin box, the notes numbered, &c., and that upon production to the said Accountant General of an affidavit made by the said, &c., or one of them, that the said Box contains the said notes, the said Box endorsed with the words, "In the matter of G. G., a person of unsound mind—Foreign Securities," be re-deposited by the said, &c., or by one of them, on or before the — day of —, into the Bank of England, with the privity of the Accountant General of the Court of Chancery, on the credit of this matter as before, and subject to further order.

ORDER FOR CARRYING OVER FUND FROM A CAUSE TO THE LUNACY.

In the matter of R. B., a person of unsound mind,

And

Between H. B., plaintiff,

And

E. B., &c., defendants.

Whereas, F. B., Committee of the Person and Estate, of said R. B., did on, &c., prefer his Petition, &c., stating, &c., and praying, &c., WHEREUPON, &c. Now, upon reading, &c. WE DO ORDER that the sum of £—— cash, in the Bank, on the credit of the said cause, "R. B.'s life account," and the dividends from time to time to accrue due during the life of the said E. B., on £—— Bank £3 per cent. Annuities, standing, &c., be carried over to the credit of "The matter of R. B., a person of unsound mind." And we do order, that when the said dividends shall from time to time be so carried over, the same be paid to F. B., the Committee of the Estate of the said R. B., until further order. (*Direction next to tax costs.*) And let this order be entered by the Registrar of the Court of Chancery.

ORDER AUTHORIZING COMMITTEES TO GIVE A CONSENT ON BEHALF OF
A LUNATIC.

In Re M. A. J., a person, &c.

That the said W. M. (*the Committee of the Estate*) be at liberty as Committee of the Estate of the said M. A. J., and in her name, and on her behalf, to consent to the said C. M. C. T., J. M., and H. F. R., investing the sum of £—— in the purchase of the pieces of land, the particulars whereof are set out in the second schedule hereto.

ORDER FOR PAYMENT OF RESIDUARY ESTATE TO COMMITTEES, AND FOR
SIGNING ACCOUNTS OF SAME.

In the matter of J. W. N., a person of unsound mind.

1. *That* the executors of the will of the said W. B., be at liberty to pay to the said W. F. W., and A. M. N., as the Committees of the Estate of the said Lunatic, the balance coming to the said Lunatic, in respect of the residuary estate of the said W. B., and that the said Committees be at liberty thereupon to give a proper receipt for such balance, and sign their approval of the said accounts.

ORDER FOR COMMITTEE TO APPEAR IN A SUIT ON LUNATIC'S BEHALF.

In the matter of M. A. P., a person of unsound mind.

1. *That* the said John J. J., be at liberty to appear on behalf of the said M. A. P. as defendant in the said suit of P. v. S., and others, and to take such proceedings therein to protect her interest, as he may be advised, and as the Masters in Lunacy shall approve of.

2. *That* costs, &c., be taxed, &c., and paid, &c.

ORDER AUTHORIZING THE FILING OF A BILL IN CHANCERY ON THE
LUNATIC'S BEHALF.

Whereas, by a Report, &c., he certified his opinion, &c. And *whereas*, J. J. J., &c., preferred his Petition, &c. Now, upon, &c. We do order that the said Report be confirmed, and that the said Petitioner, J. J. J., be at liberty to file a Bill, and take proceedings in the High Court of Chancery against the said M. J. R. and all such parties as Counsel shall advise, for the purposes approved of by the said Master, by his aforesaid Report, and hereinbefore mentioned.

ORDER FOR COMMITTEE TO FILE BILL, &c., ON BEHALF OF LUNATIC.

In the matter of G. D., Esquire, a person of unsound mind.

Whereas W. P., the Committee of the Estate of the above named G. D., did on, &c. prefer his Petition in this matter, stating, &c., and praying that such directions might be given as should be proper respecting the share of F. D., deceased, of and in the estate of, &c., bequeathed in trust for the benefit of, &c., or that it might be referred to the Master in Lunacy, to inquire and certify whether it would be fit and proper and for the benefit of the said Lunatic and his estate, that any, and if any, what steps should be taken to ascertain the rights of the said Lunatic, &c. Whereupon, &c. Now upon hearing the said Petition read and what was alleged by the Counsel aforesaid, we do order that the said Peti-

tioner, as the Committee of the Estate of the said G. D., be at liberty to file such Bill in the name of the said G. D. as he shall be advised, for the purpose of ascertaining the rights of the said G. D., and all parties interested in the share of the said F. D., deceased, of and in the portion of the estate of the said testator, R. S., bequeathed by him in trust for the benefit of H. S., deceased, and his issue. And we do order that the costs of all parties of this application be reserved.

ORDER PROVIDING FOR DISCHARGE OF INCUMBRANCES ON LUNATIC'S ESTATE.

In the matter of H. E. W., &c.

That the said share of the trust funds to which the said Lunatic is entitled, under the said settlement of the — of May, 1814, be applied in part discharge of the said sum of £—, secured by the said mortgages of the said Lunatic's estate.

That the further sum required for discharging the balance of the said sum of £— (the amount thereof to be certified by the Masters in Lunacy) be raised by the said —, as the Committee of the Estate of the said Lunatic, by mortgage of a competent part of the Estate of the said Lunatic, called B. H. Farm, at such rate of interest as the Masters in Lunacy shall approve, and when so raised be applied in discharge of such balance of the said sum of £—.

That so much of the said mortgage debts as shall be discharged by means of the said Lunatic's share of the said settled funds, the amount to be certified by the said Masters, and the benefit of the securities for the same (subject to the charge to be created as aforesaid for raising the balance of the said mortgage debts) be secured to a trustee or trustees to be approved of by the said Masters, in trust for the said Lunatic, his executors, administrators, and assigns, but that such amount remain secured upon the said B. H. Farm only, or part thereof.

That the deeds necessary and proper for effectuating the aforesaid arrangements be settled and approved of by the said Masters and be executed by all such parties as the said Masters shall direct.

That the reasonable and proper costs, &c., of, &c., be taxed, &c.

ORDER RELATING TO PROCEEDINGS FOR OBTAINING DIVORCE ON BEHALF OF LUNATIC.

In the matter of A. E. L., a person of unsound mind.

Whereas, &c. (recital of Petition).

Now upon hearing the said Petition and the affidavits of, &c., read, and what was alleged by the Counsel aforesaid, we do order that it be referred to the Masters in Lunacy to inquire and certify jointly or severally whether it is fit and

proper that any and what steps should be taken for the purpose of obtaining a decree for divorce or for the judicial separation of the said A. E. L. and M., his wife, and that such inquiry be made without the attendance thereon of the said M. L. And we do order, &c. (as to costs).

ORDER IN NATURE OF STOP-ORDER ON FUNDS IN COURT.

In the matter of J. M., Esquire, a lunatic.

Whereas F. M. L., A. F., N., &c., &c., did on, &c., prefer their Petition in this matter, stating as therein is stated, and praying that no part of £— £3 per cent. Consolidated Bank Annuities standing in the name of the Accountant General of the Court of Chancery in trust in the said matter, might be sold, paid, transferred, or otherwise disposed of without notice to the petitioners, A. F., N., &c., or the survivors or survivor of them, his or her executors or administrators. *Whereupon*, &c. Now upon hearing the said petition, an indenture, dated, &c., and an indenture dated, &c., in the said, &c., read, and what was alleged by the Counsel aforesaid, WE DO ORDER that the Accountant General of the Court of Chancery do not transfer or pay the share (if any) of F. M. L., or any part thereof in the £— £3 per cent. Consolidated Bank Annuities, standing in the name of the said Accountant General in trust, in this matter to the said F. M. L. or to any person or persons claiming the same in his right, without notice to the said petitioners, A. F., N., &c., or the survivors or survivor of them.

ORDER AS TO PURCHASE OF A HOUSE FOR LUNATIC'S RESIDENCE.

In the matter of P. B. N., a person of unsound mind.

Whereas, Samuel Warren, Esq., one of the Masters in Lunacy, made his Report, &c., whereby he certified, &c. *And whereas*, J. W. and E. T., the Committees, did on, &c., prefer their Petition, &c., *whereupon*, &c. Now upon hearing the said Petition and the said Report, dated, &c., the affidavit of, &c., sworn, &c., and the Accountant General's Certificate read, and what was alleged by the Counsel aforesaid. WE DO ORDER that the said Report be confirmed, and that the said R. B. N., as such Committee as aforesaid, do enter into a Contract for the purchase of the said Mansion House, and premises, &c., approved of by the said Master by his said Report as proper to be purchased for the said (Lunatic), and complete such contract with the approbation of the Masters in Lunacy. And we do order that the property to be so purchased be deemed and taken to be part of the personal estate of the said (Lunatic). And we do order that it be referred to the said Masters to inquire and certify whether a good title can be made to the said copyhold and freehold premises, and in case the said Masters

shall jointly or severally be of opinion that a good title can be made thereto, then WE DO ORDER that the said Masters do jointly or severally settle and approve of proper conveyances of the said premises to such person or persons as they shall jointly or severally approve of, upon trust for the said (Lunatic), his executors, administrators, and assigns. And we do order that upon production of the Master's Certificate of the execution by all proper parties of such conveyance, &c., &c., so much of £——, Bank £3 per cent. Annuities, standing in the name of the Accountant General, &c., in trust in this matter, or of any sum, &c., as will be sufficient to raise the total amount to be so certified, be sold with the privy, &c. And that out of the money to arise by the said sale the amount of the purchase money, &c., be paid to the person or persons to whom the Master shall certify that the same should be paid. And we do order that when the said purchase shall be completed, the said (*Committee*) be at liberty with the approbation of the said Masters to take the necessary steps for obtaining the enfranchisement of the copyhold part of the said premises, and that the amount payable in respect of such enfranchisement and to whom the same should be paid be certified by the Master, and that so much more of the said £—— Bank Annuities, standing, &c., as will be sufficient to raise, &c., be sold, &c., and money be paid to the person, &c. And we do order that when the said property shall be enfranchised, the said (*Committee*) be at liberty to cause the repairs, alterations, and improvements, mentioned in the said Report as proper to be done and made to the said property, to be done and made thereto accordingly. And the said J. W. consenting to pay the sum of £200 in part discharge of the expenses of such repairs, alterations, and improvements,—we do order that the said (*Committee*) be also at liberty to expend therein any sum not exceeding the sum of £600.

ORDER AS TO LETTING LUNATICS' LANDS, IF NOT OBJECTED TO BY LUNATICS.

In the matter of M. H., a person of unsound mind, and in the matter of W. H. H. H., a person of unsound mind, and between, &c.

Whereas, W. H. L., the Committee, &c., did on, &c., prefer his Petition, &c., praying, &c. Whereupon, &c. Now, upon hearing the said Petition, the affidavits of, &c., sworn, &c., read, and what was alleged by the Counsel aforesaid, WE DO ORDER THAT IT BE referred to the Masters in Lunacy, to inquire and certify, jointly or severally, whether it is fit and proper, and for the benefit of the said M. H., and W. H. H. H., and their respective estates, having regard to their comfort and feelings, that the land at, &c., or any and what part thereof, exclusive of the mansion-house and 40 acres of plantation, &c., should be let, and in any and what manner and upon any and what terms. And we do order that in case the said Masters shall be of opinion that any part of the said lands should be let, and there shall be no objection on the part of the said M. H. and W. H. H. H. to the letting of the same, the said Committee of the said, &c.,

do let the lands which the Masters shall approve of as proper to be let in such manner as they shall certify to be proper and for the benefit of the said, &c. And we do order that the rents and profits of any land which shall be so let as aforesaid, be received by such person and accounted for to the estate of the said, &c., in such manner as the said Masters shall approve of. And we do order that it be also referred to the said Masters to inquire and certify whether there are any and what timber or other trees standing or growing upon the said lands proper to be cut, and whether it is fit and proper, and for the benefit of the said, &c., that the same, if any, should be felled and sold, and that the said (Committee) cause to be felled such timber or other trees as the said Masters shall approve of as proper to be cut, and do sell the same with the Masters' approbation, and pay the net proceeds of such sale, to be certified by the Master, into the Bank, with the privity of the Accountant General of the Court of Chancery, to the credit of the said cause of, &c., "The Timber Account," and that the same, when so paid in, be laid out in the purchase of Bank £3 per cent. Annuities in the name and with the privity of the said Accountant General in trust in the same cause (the like account), and that the dividends from time to time to accrue on the Bank Annuities which shall be so purchased be carried over to the credit of the matter of M. H., a Lunatic.

ORDER FOR GRANTING LEASE ON OBTAINING A LICENSE.

In the matter of T. P. D., a person of unsound mind.

To the Right Honorable the Lord High Chancellor of Great Britain.

1. That upon the said R. H., as the Committee of the Estate of the said T. P. D., obtaining from the lords of the said manors of, &c., licenses to demise the portions of the said messuages, farm, and premises, copyholds of the said manors respectively, the said agreement, dated, &c., be adopted and carried into effect by granting a lease of the said messuages, farm, and premises situate at, &c., to the said E. R., in conformity with the said draft lease.

2. That the reasonable and proper costs, &c., of, &c., of, incident to and consequent upon this proceeding, be taxed, &c., and that the total amount thereof be certified, &c., and that the amount so to be certified (after deducting therefrom one moiety of the taxed costs of the said lease, and of the counterpart thereof, which the said Taxing Master is to deduct and certify accordingly) be paid by the said R. H., as the Committee, &c.

ORDER AS TO MORTGAGE OF LUNATIC'S ESTATE, AND A CHANCERY SUIT.

In the matter of W. H. T., a person of unsound mind.

Now upon hearing the said Petition and the said Report, dated, &c., read and what was alleged by the Counsel aforesaid, We do order that the said Report be confirmed, and that it may be referred to the Masters in Lunacy to

settle and approve of a proper Deed or Deeds for securing by mortgage of the property belonging to the said W. H. T., described in the 2nd Schedule to the said Report, excepting the surplus income of the said W. H. T.; therein mentioned, the sum of £20,000, according to the covenant of the said W. H. T. contained in the said Indenture of Settlement, dated, &c. And we do order that the said J. T. (*Committee*), of, &c., do, in his name and on his behalf, execute the Deed or Deeds which shall be settled and approved of by the said Masters for the purposes aforesaid. And we do order that the said Petitioner, as such Committee as aforesaid, do from time to time pay to the Trustee or Trustees for the time being of the said Indenture of Settlement, the income arising from the real and personal estate of the said W. H. T., not required for the purposes mentioned in the said 2nd Schedule to the said Master's Report, in part discharge of the said sum of £20,000. And we do order that the said J. T., as such Committee as aforesaid, be at liberty to take such further proceedings in the suit of T. v. T. as he shall be advised. And we do order that the reasonable and proper costs, charges, and expenses of the said petitioner, and of, &c., &c., &c., be taxed, &c.

FORMS OF PROCEEDINGS AS TO PETITIONS.

CAVEAT AGAINST A PETITION.

In the matter of A. B., of —.

Caveat against any petition that may be presented in this matter without notice to C. D., of —, solicitor on behalf of —. Dated this — day of —, 18—.

(Signed) —.

AFFIDAVIT OF SERVICE OF A PETITION.

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I, C. D., of, &c., solicitor for —, the Committee of the Person and Estate of the above-named Lunatic, make oath and say—

1. That I did carefully examine a copy of a certain Petition in this matter, presented to the said Lord High Chancellor of Great Britain by the said —, as such Committee as aforesaid, with his Lordship's Order thereon, dated the — day of —, whereby it was ordered that all parties concerned should attend his Lordship thereon, on the then next day of petitions, and that notice thereof should be given forthwith with the said original Petition and Order.

2. And I further say, that I did on —, the — day of —, serve —, of —, in the said county of —, one of the (*brothers*) of the above-named Lunatic, with the said Petition and Order, by delivering to and leaving with the said —, personally, the said copy, so examined by me as aforesaid, and

purporting to be a copy of the said Petition and Order, and at the same time showing to him the said original Petition, with his Lordship's Order thereon, as aforesaid.

Sworn, &c.

PROCEEDINGS ON EXAMINATIONS ON INTERROGATORIES.

PETITION FOR COMMISSION TO TAKE EXAMINATION ON INTERROGATORIES.

IN LUNACY.

In the matter of, &c., a Lunatic.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble Petition of —,

Showeth,

That by an Order of your Lordship, made in the above-mentioned matter, on the — day of —, it was referred to, &c., to take the accounts and make the inquiries, &c., and for that purpose the said Master was to be at liberty, from time to time, to exhibit interrogatories for the examination of such person or persons touching the same as he should think fit.

That, in pursuance of the said Order, interrogatories have been exhibited before the said Master, for the examination of your petitioners, which the said Master has allowed.

That your petitioner, —, is resident at —, in the county of —; your petitioner, —, at —, in the county of —; your petitioner, —, at —, in the county of —; and your petitioner, —, and —, his wife, are resident at —, in the county of —.

That it is considered necessary (*or as the case may be*) that a Commission should issue into —, for the purpose of taking the examination of your petitioners to the said interrogatories.

Your petitioners therefore humbly pray your Lordship that a Commission may issue, directed to, &c., or any three or two of them, to take the examination of your petitioners at — aforesaid, in answer to the said interrogatories so exhibited as aforesaid.

And your petitioners will ever pray, &c.

Answer.

[Date.] Filing, &c., let a Commission issue for taking the answer or examination of the petitioners, —, to the interrogatories mentioned in this Petition, returnable without delay. And let the same be directed to, &c., or any two or more of them.

COMMISSION TO TAKE EXAMINATIONS OF WITNESSES.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to C. H. O., Esq., Counsel to the British Embassy at Paris, in, &c., and T. L., Esq., of, &c., Paris aforesaid,

Greeting. WHEREAS, by virtue of our Commission, &c., (or, &c.), we have assigned our beloved —, Esq., and —, Esq., the Masters in Lunacy, to inquire, by the oath of good and lawful men of our county of, &c., amongst other things, whether S. L. W., formerly of, &c., is a Lunatic, or enjoys lucid intervals, so that he is not sufficient for the government of himself, his manors, messuages, lands, tenements, goods, and chattels, and if so, from what time, after what manner, and how. Know ye that we, in confidence of your prudence and fidelity, have appointed you, and by these presents do give unto you, and each of you, full power and authority diligently to examine all witnesses whatsoever upon certain interrogatories, to be exhibited to you, or one of you, on the part of, &c., in the matter of the said S. L. W., now pending before our Lord High Chancellor, being entrusted, by virtue of our sign manual, with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind. And therefore we command you, and each of you, that at certain days and places, to be appointed by you, or one of you, for that purpose, you, or one of you, do cause the said witnesses to come before you, or one of you, and then and there examine each of them apart upon the said interrogatories, on their respective corporal oaths, to be first taken before you, or one of you, upon the Holy Evangelists, or in such other solemn manner as is most binding on their consciences; and that you, or one of you, do take such their examinations, and reduce them into writing, in the English language, on parchment. And when you, or one of you, shall have so taken them, you, or one of you, are to send the same to us in our Chancery, without delay, wheresoever it shall then be, closed up under your seals, or the seals of one of you, with the said interrogatories, and this writ, and also a certificate in what manner the oath is administered to such witness or witnesses who cannot speak or understand the English language. And we further command you, and each of you, that before either of you act in, or be present at the swearing or examining any witness or witnesses, you do severally take the oath first specified in the schedule hereunto annexed. And we give each of you full power and authority to administer such oath to the other of you, upon the Holy Evangelists. And we further command that all and every the clerk or clerks employed in taking, writing, transcribing, or engrossing the deposition or depositions of witnesses to be examined by virtue of these presents, shall, before he or they be permitted to act as clerk or clerks as aforesaid, or be present at such examination, severally take the oath last specified in the said schedule annexed. And we also give to you, and each of you, full power and authority, jointly or severally to administer such oath to such clerk or clerks upon the Holy Evangelists. And we do further give and grant unto you, and each of you, full power and authority, and by these presents command you that, if necessary, you or one of you do, after you or one of you have so entered upon the execution of this Commission, swear one or more interpreter or interpreters, upon his or their oath or oaths, solemnly, well, and truly to interpret the oath or oaths and interrogatories which shall be administered and exhibited to any such witnesses who do not understand the English language, out of the English language into the language of such witness or witnesses, and also to interpret their respective depositions, taken to the said interrogatories, out of

the language of such witness or witnesses into the English language, and to keep such depositions secret until publication shall duly pass in the said matter. Witness ourself at Westminster, the — day of —, in the — year of our reign, &c.

RETURN BY ENDORSEMENT ON COMMISSION.

The execution of this Commission appears in certain schedules hereunto annexed.

C. H. O., Commissioner.

Label to Com- } A Commission to C. H. O., Esq., Counsel to the British
mission (*which is* } Embassy at Paris, and T. L., Esq., of, &c., Paris, or one of
sealed up). } them, to take the examination of witnesses in Paris, upon
interrogatories, in the matter of S. L. W., a supposed Lunatic, returnable
without delay. Due notice to be given.

(Signed) —.

THE COMMISSIONERS' OATH.

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of the parties in this matter, take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the Commission hereunto annexed, upon the interrogatories now produced and left with you. And you shall not publish, disclose, or make known to any person or persons whatsoever, except to the clerk or clerks by you employed, and sworn to secrecy in the execution of this Commission, the contents of all or any of the depositions of the witnesses, or any of them, to be taken by you and the other Commissioners in the said Commission named, or any of them, by virtue of the said Commission, until publication shall pass by order of the Lord High Chancellor.

So help you God.

THE CLERK'S OATH.

You shall truly and faithfully, and without partiality to any or either of the parties in this matter, take and write down, transcribe, and engross the depositions of all and every witness and witnesses produced before and examined by the Commissioners, or any of them, named in the Commission hereunto annexed, as far forth as you are directed and employed by the said Commissioners, or any of them, to take, write down, or engross the said depositions, or any of them. And you shall not publish, disclose, or make known to any person or persons whatsoever, the contents of all or any of the depositions of the witnesses, or any of them, to be taken, wrote down, transcribed, or engrossed by you, or whereto you shall have recourse or be any way privy, until publication shall pass [by rule or order of the High Court of Chancery].

So help you God.

INTERROGATORIES [*which are engrossed on parchment*].*In the matter of, &c.*

Interrogatories to be administered to witnesses to be produced and examined under and in execution of a certain Commission duly issued and bearing date, &c., in the matter of the supposed lunatic.

First Interrogatory. Do you? &c.

Second Interrogatory. Have you? &c.

Third ditto. Ditto.

&c. &c. &c.

(Signed)

F. C., Counsel.

C. H. O., Commissioner.

CROSS INTERROGATORIES [*which are engrossed on parchment*].*In the matter of, &c.*

Cross interrogatories to be administered on the part and behalf of the above-named S. L. W., for the cross-examination of witnesses to be produced, sworn, and examined in the above-mentioned matter, for and on behalf of the petitioner, —, under a Commission for the examination of witnesses abroad, issued by the Lord High Chancellor of Great Britain, and bearing date, &c.

First cross interrogatory, &c.

For (witness, naming him).

Second ditto.

For (witnesses' names).

&c.

&c.

&c.

(Signed)

A. W. K.
(Counsel.)

And by Commissioner also when examinations taken.

RETURN TO COMMISSION.

Depositions of Witnesses produced, sworn, and examined before me, the undersigned Commissioner, on the — day of —, at my chambers, situate, &c., and continued by adjournment at the times and places mentioned in such adjournment, pursuant to a Commission issued out of and under the seal of Her Majesty's High Court of Chancery in England, for the examination of witnesses in Paris, on Interrogatories in the matter of S. L. W., a supposed Lunatic; I, the said Commissioner, having first, in the manner required by the said Commission, taken the oath first specified in the Schedule annexed to the said Commission, and administered to the clerk, employed by me in taking, writing transcribing, and engrossing the said depositions, the oath to be taken by such clerk, and last specified in the schedule annexed, as aforesaid, pursuant to the power and authority to me given by the said Commission.

(Signed) C. H. O. (Commissioner).

J. S., of &c., a witness produced, sworn upon the Holy Evangelists, &c., on the part of the petitioner in this matter.

To the First Interrogatory—Deponent says, &c.

To the Second ditto

To the Third ditto

The further examination of witnesses in this Commission is adjourned to the — day of —, at half-past 12 o'clock, at the same place.

C. H. O.

The examination of witnesses, pursuant to adjournment under the said Commission, this — day of —.

* * * * *

I, the undersigned Commissioner, hereby certify, that previously to the examination of the within-named witnesses, I administered the following oath, which the within-named J. S. and B. L. took upon the Holy Evangelists, and the within-named H. P., J. P., C. P., and J. B. P., took in the manner most binding upon their conscience, by repeating the words "Je le jure," and holding up their hands:—"You shall true answer make to all such questions as shall be asked of you on these interrogatories, without favour or affection to any party, and therein you shall speak the truth, the whole truth, and nothing but the truth, So help you God." And I further certify that the interrogatories were correctly translated by me to the within-named H. P., J. P., C. P., and J. B. P., into the French language, and that their depositions thereto were correctly translated by me into the English language to the clerk employed by me in taking and writing down the depositions.

C. H. O. (Commissioner).

FORMS OF PROCEEDINGS ON DELIVERING OUT DEEDS, ETC., UNDER AN ORDER. (*Vide page 73.*)

AUTHORITY TO RECEIVE DEEDS.

IN LUNACY.

In the matter of the late A. B., a person of unsound mind.

To the Masters in Lunacy.

GENTLEMEN,

We, E. F., of &c., in the county, &c., and G. H., of the city, &c., executors of the last will and testament of the above-named A. B., do hereby authorize and request you to deliver to —, of, &c., the several deeds, documents, books, papers, and writings now remaining in your office, and mentioned in, &c., and which, pursuant to an order, &c., are to be delivered out to us. And we do hereby authorize and empower the said — to receive the said deeds and docu-

CERTIFICATE OF DELIVERING OUT DEEDS.

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ments, books, papers, and writings from you, and to give, in our names, and for us, a sufficient receipt for the same.

Dated this — day of —.

Witness to the signing hereof by the
above-named.

E. F.

G. H.

I. J., of —.

K. L., of —.

AFFIDAVIT VERIFYING SIGNATURES THERETO.

IN LUNACY.

In the matter of the late A. B., a person of unsound mind.

I, C. D., of, &c., make oath and say—

1. That —, of —, in the county, &c., one of the executors of the last will and testament of the above-named A. B., did in my presence, and in the presence also of, &c., sign the paper writing now produced and shown to me at the time of swearing this affidavit, and marked with the letter A. And I say that the names or signatures, “—,” “—,” set and subscribed to the said paper writing, as the parties signing the same, are of the proper hand-writing of the said —, and —. And that the names or signatures “—,” and “—,” signed as the witnesses attesting the signature of the said paper writing by the said —, and —, are of the hand-writing of myself and of the said —.

2. And I further say that —, and —, the parties executing the said paper writing, are the same parties to whom the Masters in Lunacy are, by an order, dated the, &c., and made in this matter, directed to deliver the several deeds, documents, books, papers, and writings now remaining in the office of the said Masters.

Sworn, &c.

CERTIFICATE OF DELIVERING OUT DEEDS.

In the matter of A. B., a person of unsound mind.

To the Right Honorable the Lord High Chancellor of Great Britain.

In pursuance of an order, made, &c., whereby it was, amongst other things, ordered, &c., I have been attended by the solicitors for the parties interested. And I have this day, in pursuance of your Lordship's said order, delivered to J. S., of, &c., the said several deeds, documents, books, papers, and writings mentioned or referred to in the said report and order, the said J. S., being the person named in an authority under the hands of, &c., dated the, &c., to receive the same, and whose respective signatures to such authority are duly verified by two several affidavits of, &c. And I have taken the receipt of the said J. S. for the same, and which said receipt remains deposited in the office of the said Masters in Lunacy. And I have, in the schedule hereto, particularized the said

several title deeds, documents, books, papers, and writings which I have so as aforesaid delivered to the said J. S. All which I humbly certify to your Lordship.

The Schedule, &c.

FORMS OF PROCEEDINGS FOR PRODUCTION OF DEEDS,
PAPERS, ETC. (*Vide page 73.*)

ORDER FOR PRODUCTION OF LUNATIC'S DEEDS IN COURT ON HEARING A SUIT.

In the matter of J. A. S., a person, &c.

WHEREAS I. W. has preferred his petition in this matter, &c., and praying, &c. And the said petition having come on, &c., in the presence of, &c. Now upon hearing the said petition and the affidavit of F. J. T., filed the 10th day of November instant, read, and what was alleged by the counsel aforesaid, WE DO ORDER that the above-mentioned deeds be produced on the hearing of the said cause of W. v. A. before His Honor the Master of the Rolls, and that the proper officer from the office of the Masters in Lunacy do attend the hearing of the said cause with the said deeds.

J. L. KNIGHT BRUCE, L. J.

G. J. TURNER, L. J.

ORDER FOR INSPECTION AND PRODUCTION OF PAPERS IN A SUIT ARISING OUT
OF LUNATIC'S ESTATE AFTER HIS DEATH. (*Vide page 74.*)

Now upon hearing, &c., WE DO ORDER that the said petitioners be at liberty to inspect all certificates, reports, affidavits, pedigrees, and states of facts and other documents in the office or custody of the Masters in Lunacy and Registrar in Lunacy in the matter of I. W., a person, &c., and to take copies of or extracts therefrom. AND WE DO ORDER that the same or such of them as shall be required, and of which notice to produce shall be given by the *petitioners or any of them* be produced upon any examination of witnesses in the said cause, or before the Judge to whose Court the said cause shall be attached, or to his chief clerk on the proceedings in the said cause. And we do order that the costs of all parties of this application be costs in the said cause.

J. L. K. B., L. J.

G. J. T., L. J.

REQUEST FOR PRODUCTION OF PAPERS IN COURT.

[Stamp.]

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I hereby request that the several documents mentioned in the schedule hereto,

may be produced at the hearing of the petition of —, in this matter, before the Lord —, at — o'clock in the morning of — next, the — day of —, 186—. Dated this — day of —, 186—.

(Signed) J. G.,

To the Masters in Lunacy,
&c. &c.

Solicitor for, &c.

The Schedule, &c.

FORMS OF PROCEEDINGS AS TO SUPERSEDEAS.

PETITION FOR SUPERSEDEAS.

[*Vide Act 1853, Sec. 152, and Act 1862, Sec. 10, and page 63.*]

IN LUNACY.

In the matter of A. B., late a person of unsound mind.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble petition of the above-named A. B., * now residing with —

Showeth,

That pursuant to your Lordship's order, bearing date, &c., made upon the application of, &c., an Inquiry was directed as to the lunacy of your petitioner.

That the said Inquiry was duly executed on, &c., before, &c., one of the Masters in Lunacy, and it was found that your petitioner was a person of unsound mind, so that he was not sufficient for the government of himself, his manors, messuages, lands, tenements, goods, and chattels.

That —, the said Master, by his Report, bearing date, &c., certified that W. B. B., was the heir-at-law, and W. B. B., &c., were the next-of-kin of your petitioner, and the said Master found that the property of your petitioner consisted of, &c., yielding an income of £250, or thereabouts, and that the said R. B. was the most fit and proper person to be appointed the Committee of the person of your petitioner, and at the request of the parties, the said Master had forborne to approve of any person to be the Committee of the estate, as it was intended, &c. (as the case may be).

That by an order, bearing date, &c. the said Master's Report was confirmed, and the custody of the person of your petitioner was granted to, &c. And it was referred to the said Master to appoint a fit and proper person to be receiver of the rents and profits of your petitioner's estate. And it was ordered that it should also be referred to the Taxing Master to tax the reasonable and proper costs, &c., incurred, &c.

That in pursuance of such last mentioned order, the said Master has partly proceeded with the Inquiry thereby directed, but has not yet made any report thereon.

That your petitioner has, since the date of such last mentioned order, continued to reside, &c., and during such residence has enjoyed his personal liberty, the

* The petition "should always be in the name of the person who has recovered a sound mind." *Vide Ex-parte Stanley. 2 Ves. Sen. 25.*

state of your petitioner's mind having been so improved as to require no restraint whatever to be put over any of his actions, and that your petitioner having now perfectly recovered his sound state of mind and understanding, is desirous that the said proceedings in Lunacy should be superseded.

Your petitioner therefore humbly prays your Lordship that he may be at liberty to attend your Lordship for the purpose of being examined as to his sanity of mind, and competency of understanding, for the management of himself and his estate, and that the said Inquisition and proceedings thereon may be superseded forthwith, and that a *Supersedeas* may issue for that purpose, or that your Lordship will make such further or other order in the premises as to your Lordship shall seem meet.

And your petitioner will ever pray, &c.

A. B.

Signed by the petitioner, A. B., in
the presence of C. M.
—, Solicitor.

Answer.

[Date.] Let all parties concerned attend me on the matter of this petition on the next day of petitions, hereof give notice forthwith.

— C.

PETITION FOR SUPERSEDEAS (ANOTHER FORM).

In the matter of E. C. W., a Widow, late a Lunatic.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble petition of the said E. C. W.,

Showeth,

That on or about the, &c., a Commission in the nature of a *Writ*, &c., was duly issued on the petition of —, to inquire of the lunacy of your petitioner.

That by an Inquisition, duly taken, on the execution of the said Commission, at, &c., on, &c., it was found, &c.

That the said I. H. was the only brother, and heir-at-law of your petitioner, and had had the entire care and management of your petitioner's estate, and affairs, until the time of his death, which took place on or about, &c.

That by a Report, &c. [*as to Committees, property, maintenance, &c.*].

That [*reciting Order confirming such Report*].

[*Stating sums of Stock in Court, and that her income was £—.*]

That your petitioner having perfectly recovered her sound state of mind and understanding for two years and upwards, is desirous that the said Commission of Lunacy should be superseded.

That your petitioner is desirous that the costs, charges, and expenses of the Committee of her estate, and of the Solicitors of, &c., incurred in and about this

matter, and incident thereto, and of this application, and consequent thereon, should be taxed, and should be paid out of, &c.

That your petitioner is extremely lame, and totally unable to walk, and is, with considerable difficulty and pain to herself, removed from place to place, and that the place of residence of your petitioner is distant from London — miles and upwards, and that the excitement and fatigue of so long a journey is likely to bring on inflammation in your petitioner, and thereby become very injurious to her health.

Your petitioner therefore humbly prays your Lordship that, for the reasons aforesaid, the personal attendance of your petitioner in open Court, for the purpose of being examined as to her sanity of mind, and competency of understanding for the management of her person and estate, may be dispensed with, and that the said Commission, Inquisition, and proceedings thereon may be superseded forthwith, and that a *Supersedeas* may issue for that purpose. And that it may be referred to —, Esq., the Taxing Master, to whom this matter stands referred to tax the costs, charges, and expenses of, &c., incurred, &c., including therein all the costs of and incident to this application, and consequent thereon, and that the same, when so taxed and certified, may be paid by the said Accountant General, out of, &c., and that the residue of the said sum of £ —, after payment, &c., may be paid by the said Accountant General to your petitioner, and that the said sum of £ — 3 per cent. Annuities, standing in the name of the said Accountant General in trust, &c., may be transferred by him into the name of your petitioner, or that your Lordship will be pleased to make such further or other order in the premises as to your Lordship shall seem meet.

And your petitioner will ever pray, &c.

E. C. W.

Witness to the signing by the
within-named E. C. W.

W. F., Solicitor to the said E. C. W.

Answer.

[Date.] Let all parties concerned attend me on the matter of this petition on the next day of petitions, hereof give notice forthwith.

C. C.

AFFIDAVIT OF SURGEON IN SUPPORT OF PETITION FOR SUPERSEDEAS.

IN LUNACY.

In the matter of A. B., a person late of unsound mind.

I, T. G. P., of, &c., Surgeon, make oath and say—

1. That on the — day of, &c., and the — day of, &c., I did, in company with O. A. F., of —, aforesaid, Surgeon, see the said A. B., for the purpose of ascertaining whether she was or was not of sound mind, and that previous to my interview with him on, &c., I had read office copies of the five several

affidavits which were filed in support of the petition for the *Commission de Lunatico Inquirendo*, which was sued out against the said A. B. (that is to say) an affidavit of, &c., &c.

2. And I say, that during such several interviews with the said A. B., I very carefully inquired into the state of her mind, and that on such last-mentioned interview, I examined her, particularly in regard to the mental delusions mentioned in the said affidavits, and questioned her particularly on such delusions, and also on such other subjects as in my judgment were best suited for the purpose of ascertaining the soundness or unsoundness of her mind.

3. And I say, that from the result of such my inquiry and examination, and from the answers given by the said A. B. to such questions as aforesaid, I have reason to believe, and do firmly believe, that the delusions which formerly constituted her unsoundness of mind are now wholly removed, and that she acknowledges that such delusions did formerly exist in her mind, and that they were delusions.

4. And I say, that according to the best of my belief, judgment, and professional opinion, the said A. B. has recovered the use of her reason and intellectual powers, and may now be safely trusted with the direction of her person and the management of her affairs, and that she is now competent to the management of herself and her property.

Sworn, &c.

AFFIDAVIT OF COMMITTEE IN SUPPORT OF PETITION FOR SUPERSEDEAS.
IN LUNACY.

In the matter of A. B., late a person of unsound mind.

I, R. B., of —, the Committee of the person of the said A. B., make oath and say—

1. That the Right Honorable the Lord High Chancellor, having on the — day of — last past, on the hearing of a petition of the said A. B. to supersede the Lunacy proceedings in this matter, directed that I should be at liberty to act upon the report of Dr. S., as might appear proper, and that the matter of the said petition should stand over, and that Dr. S. having by his said report recommended that the said A. B. should be placed in some lodging where he could have all the comforts to which his income entitled him, and that he should have freedom of action and the moderate use of money, and which report further stated that at least a year should elapse during which a perfect freedom from disease could be proved before the proceedings could be safely superseded, I procured a lodging for the said A. B., at —, to which the said A. B. removed from my residence on or about the — day of — last past, and where he hath resided until the present time, with an entire freedom of action, and such supply of money as he hath required.

2. And I say that the said A. B.'s expenditure during the period of his residence in lodgings, as aforesaid, hath been about — pounds.

3. And I say, that I have visited, or been visited by and seen the said A. B.

weekly, and often more than once in every week during such period, and that neither during the six months of the said A. B.'s residence in my house prior to the report of Dr. S., nor during the six months which have elapsed since that report, hath the said A. B. shown any signs of insanity, but hath during the whole of the said twelve months conducted himself in a rational and proper manner, and been, as far as I could discern, free from any mental disease whatever, and that in my opinion and belief, the said A. B. is perfectly competent to the management of himself and his property.

Sworn, &c.

FURTHER AFFIDAVIT OF COMMITTEE IN SUPPORT OF PETITION.

IN LUNACY.

In the matter of A. B., a person late of unsound mind.

I, R. B., of, &c., the Committee of the person of the said A. B., make oath and say—

1. That on or about, &c., last, I accompanied the above-named A. B. from the house of W. T., at, &c., and on, &c., last, I took the said A. B. to reside with me at my own house at —, aforesaid, and the said A. B. hath from that day to the present time continued to reside with me at my aforesaid residence, and that from the period of my first taking the said A. B. under my care, as aforesaid, to the present time, I have always found the said A. B. perfectly rational in his mind and in all his acts, and no restraint whatever has been imposed upon the said A. B.

2. And I say, that in my opinion and belief, the said A. B. has been during the whole of his residence with me, as aforesaid, and is now of perfectly sound mind and in the full possession of his intellectual powers, and that he may be safely trusted with the direction of his person and the management of his affairs, and that he is now competent to the management of himself and his property.

Sworn, &c.

AFFIDAVIT OF A PHYSICIAN IN SUPPORT OF PETITION FOR SUPERSEDEAS.

IN LUNACY.

In the matter of E. C. W., late a Lunatic.

I, W. W., of the city of —, Doctor of Medicine, make oath and say as follows, (viz.) :—

1. That in or about the year —, I was requested to attend professionally on the said E. C. W., who, until that time, was unknown to me.

2. That I found she was at that time labouring under an aberration of mind, which caused her to be very low and melancholy, and that she had attempted to drown herself in a pond near her house at, &c., and I also found that she had secreted a large knife under her bed, with which she intended, as I believe, to destroy herself.

3. That in consequence of the state of mind in which the said E. C. W. then was, I recommended that she should be removed to a private lunatic asylum at, &c., and she was removed there accordingly. Shortly after the said E. C. W. became an inmate of the said asylum, she became extremely violent and peevish in her manner and habits, and afterwards became again low and melancholy.

4. That some time in the year, &c., the said E. C. W. became calm and quiet, and more rational in her manner, frequently amusing herself by writing songs and singing them, and she also often conversed with me in a rational manner, relative to her affairs and property.

5. That the mind of the said E. C. W. continued gradually to improve and become more sound from that time to the month of —, when it was so far restored towards a sound state, that I considered it would be decidedly for the benefit of the said E. C. W., and would very materially tend to restore her to her former sound state if she were removed from the said asylum to her own house at, &c., where she was accordingly removed, and has ever since resided.

6. That from the time of the removal of the said E. C. W. to her own house up to the present time, I have constantly attended her, and watched the state and condition of her mind, and during such time I have uniformly found her calm, collected, and rational in her manner and conversation. And that for the last — years and upwards, the said E. C. W. has not had a single relapse to her former violent or melancholy state of mind, but has, on the contrary, been cheerful, and gradually and steadily approaching to a sane and sound state, and in my judgment, she is now, and has been for — months and upwards of a sound state of mind and understanding, and is fully and perfectly competent to the government and management of herself and her property.

Sworn, &c.

AFFIDAVIT OF A PHYSICIAN AS TO LUNATIC'S INABILITY TO ATTEND
LORD CHANCELLOR IN PERSON, OWING TO BODILY INFIRMITY.

IN LUNACY.

In the matter of E. C. W., late a Lunatic.

I, W. W., of, &c., Doctor of Medicine, make oath and say—

1. That I have been informed that the said E. C. W. intends to prefer her petition to the Lord High Chancellor, praying that the Lunacy proceedings in this matter be superseded; and I have also been informed, that in order to support the prayer of the said petition, the said E. C. W. will be required to proceed to London for the purpose of being personally present before the Lord High Chancellor upon the hearing of the said petition.

2. And I further say, that some years since the said E. C. W. sustained a very severe injury in one of her hip joints, arising from a fall upon the floor of her room, and from which injury she is extremely lame, and totally unable to walk, and is, with considerable difficulty and pain to herself, removed from place to place.

3. That the place of residence of the said E. C. W. is distant from London

— miles and upwards, and I am of opinion that the excitement and fatigue of so long a journey is very likely to bring on inflammation in the said E. C. W., and thereby become very injurious to her health.

4. That, for the reason above stated, I consider it would be extremely desirable that the personal attendance of the said E. C. W. before the Lord Chancellor should be dispensed with.

Sworn, &c.

AFFIDAVIT OF A SERVANT AS TO LUNATIC'S RECOVERY.

IN LUNACY.

In the matter of E. C. W., late a lunatic.

I, E. L., of —, spinster, make oath and say—

1. That on the — day of, &c., I was hired by the said E. C. W. as her servant, in the capacity of cook, and that I have continued in the service of the said E. C. W. from that period until the present time.

2. That during the time I have so been in such service, the said E. C. W. has herself conducted and managed all matters relating to her housekeeping and household affairs, and I have received all orders concerning the work I have had to perform from the said E. C. W., and that such orders have been in all respects rational and proper.

3. That during the time I have lived in the service of the said E. C. W., I have not observed anything in the conduct, manner, or conversation of the said E. C. W., nor any act done by her which could lead me to suppose that the said E. C. W. was in any manner incompetent to the management of herself or her property.

Sworn, &c.

ORDER FOR SUSPENDING THE PROCEEDINGS UNDER COMMISSION.

In the matter of W. B., a person of unsound mind.

WHEREAS the above-named W. B. did on, &c., prefer his petition in this matter stating as therein is stated, and praying amongst other things that he might be at liberty to attend before us for the purpose of being examined as to his sanity of mind and competency of understanding for the management of his person and estate, and that the commission, inquisition, and proceedings in this matter might be superseded, and that a *Supersedeas* might issue for that purpose. Whereupon all parties concerned were ordered to attend, &c. Now upon hearing the said petition and an order made, &c., and what was alleged by the counsel aforesaid, and upon hearing the evidence given on, &c., by, &c., and the said W. B. having attended and been personally examined by us on the, &c., and upon considering the circumstances of this case, We think fit and hereby order that the proceedings under the Commission of Lunacy in this matter be sus-

pendent until further order, and that the said W. B. be at liberty to apply to us or to the Lord Chancellor for further relief upon this petition in Trinity Term, 1863. And that in the meantime the said W. B. do have the management and control of his business and estate without the interference or control of the Committee of his person and estate, and that in the meantime also any of the parties interested be at liberty to apply to us or the Lord Chancellor as they may be advised. And we do order that the reasonable and proper costs, charges, and expenses of the said W. B. and of, &c., of this application not already taxed, &c., should be taxed and paid, &c. And we do order that the dividends from time to time to accrue on the said Bank Annuities previous and subsequent to the sale hereby directed, and on the residue of such Bank Annuities after such sale, be paid until further order to the said W. B.

J. L. KNIGHT BRUCE, L. J.
G. J. TURNER, L. J.

ORDER FOR SUPERSEDEAS OF INQUISITION (NO GRANT HAVING ISSUED).

In the matter of A. B., stated to be late a person of unsound mind.

WHEREAS the said A. B. did, on, &c., prefer his petition to me, stating, &c., and praying that he might be at liberty to attend me for the purpose of being examined as to his sanity of mind, &c., and that the order for Inquiry and Inquisition, and proceedings thereon, might be superseded forthwith, And the matter of the said petition coming on to be heard, &c., I ordered, upon hearing the report of Dr. S., bearing date, &c., that the said petition should stand over, and the same having been mentioned to me on, &c., I ordered that the said Dr. S. should again visit the said A. B.; and report to me his state of mind, with such observations thereon as he might think fit. Now upon reading the report of the said Dr. S., bearing date, &c., and the said A. B. having attended this day at the House of Lords, and been personally examined by me, and appearing to be in a sound state of mind and understanding, I do think fit, and hereby order that the Order for Inquiry which issued in the matter of the said A. B., and the Inquisition taken thereon, and all proceedings under the said Inquiry, or relating thereto, be forthwith superseded and determined.

— C.

ORDER FOR SUPERSEDEAS OF INQUISITION (A GRANT HAVING ISSUED).

In the matter of E. C. W., Widow, late a Lunatic.

WHEREAS the said E. C. W. did, on, &c., prefer her petition to me, stating [*reciting petition and prayer*].

Whereupon I ordered all parties concerned to attend me, &c., whereof notice was to be given, &c. Now upon reading the said petition, the two several affidavits of, &c., and it appearing to me, by the affidavit of, &c., that the said

E. C. W., from bodily infirmities, is unable to attend me for personal examination, I do think fit, and hereby order, notwithstanding such non-attendance, that the Commission of Lunacy which issued against the said E. C. W., and the Inquisition taken thereon, and the Grant, and all proceedings relating thereto respectively, be forthwith superseded and determined. And I do think fit, and hereby further order, that it be referred to, &c. to tax and certify the reasonable and proper costs, &c. And I do hereby further order that the amount thereof, when so taxed and certified, be paid by the Accountant General of the Court of Chancery, out of the sum of, &c. And I do hereby further order that the residue of the said sum of £—— cash, after the payment, &c., and any dividend that may accrue due on the £—— Bank 3 per cent. Annuities, standing, &c., prior to the transfer thereof, as hereinbefore directed (the amount thereof to be verified by affidavit), be paid by the said Accountant General to the petitioner, E. C. W., widow. And I do think fit, and hereby further order, that the said Accountant General do transfer the said £—— Bank 3 per cent. Annuities into the name of the said petitioner, E. C. W., widow.

ANOTHER ORDER FOR SUPERSEDEAS.

In the matter of W. L., late a person of unsound mind.

WHEREAS the above-named W. L. did, on, &c., prefer his petition in this matter, stating, &c., and praying that he might be at liberty to attend us for the purpose of being examined as to his sanity of mind, and competency of understanding for the management of his person and estate, and that the Commission, Inquisition, and proceedings in this matter might be superseded forthwith, and that a *Supersedeas* might issue for that purpose, And that the petitioner's property might be transferred and delivered over to him, and that it might be referred to the proper Taxing Master to tax and certify the costs, &c., of the petitioner, and of all other proper parties, incurred in relation to, &c., not already directed to be taxed, and also to tax the costs, &c., of the petitioner, and of all other proper parties, of and incident to this application, and consequent thereon, and of discharging the Committee's security on passing his accounts, and that such costs, when taxed, &c., might be paid, &c., and that the residue of the said Bank Annuities might be transferred to the petitioner. Whereupon, &c. Now upon reading the said petition, the report of Dr. S., &c., and the several next of kin, by their counsel aforesaid, consenting hereto, and the said W. L. having this day attended and been personally examined by us, and appearing to be in a sound state of mind and understanding, We do order that the Commission of Lunacy which issued in the matter of the said W. L., and the Inquisition taken thereon, and the grant, and all proceedings taken under the said Commission, or relating thereto, be forthwith superseded and determined. And we do order that the reasonable and proper costs, charges, and expenses of the said petitioner, &c., be taxed. [*Then follow directions for the payment of costs, and the transfer of the fund in Court to the petitioner, the late lunatic, and for the delivery to him of deeds deposited with the Masters, &c.*]

L. S.

(Signed) J. L. KNIGHT BRUCE, L.J.

Entd., C. N. W.

G. J. TURNER, LLJ.

WRIT OF SUPERSEDEAS OF COMMISSION (OR FIAT) AND INQUISITION.

VICTORIA, by the grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, *To all to whom these our present Letters shall come Greeting. Whereas, by a certain Inquisition taken at, &c., on, &c., by virtue, &c., in that behalf duly made and issued, to inquire, amongst other things, of the lunacy of A. B., of, &c., it was found (amongst other things) that the said A. B., at the time of taking the said Inquisition, was a person of unsound mind, so that he was not sufficient for the government of himself and his estate, as by the same Inquisition (amongst other things), remaining on record, may more fully appear. But upon full examination in our Court of Chancery before us, had in this behalf, it sufficiently appears to us that the said A. B. is recovered of his unsoundness of mind aforesaid, and is of sound mind, memory, and understanding, so that he is sufficient for the government of himself and his estate. And we, in this behalf, being willing that what is just and right be done to the said A. B. Know ye therefore that we, for and in consideration that the said A. B. now is not lunatic, but of sound mind, sane memory and understanding, and for divers other good causes and considerations, us, in this behalf especially moving, Have superseded and determined, and, by these presents, Do supersede and determine the aforesaid Commission (or, &c.), &c., the aforesaid Inquisition, and all other proceedings thereupon had and made, and all and singular the same, to all intents and purposes whatsoever, we annul, make void, and fully discharge by these presents. In testimony whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the — day of —, in the — year of our reign.*

WRIT OF SUPERSEDEAS OF COMMISSION, OR FIAT, AND GRANT.

VICTORIA, by the grace of GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. *To all to whom these our present Letters shall come, Greeting. Whereas, by a certain Inquisition taken at, &c., on, &c., by virtue, &c., in that behalf duly made and issued, to inquire (amongst other things) of the lunacy of E. C. W., of, &c., widow, It was found (amongst other things) that the said E. C. W. was, at the time of taking the said Inquisition, a Lunatic, and did not enjoy lucid intervals, and that she was not sufficient for the government of herself and her estate, as by the same Inquisition (amongst other things) remaining on record, may more fully appear. And whereas, by certain Letters Patent for, &c., bearing date, &c., our late Royal Uncle, William the Fourth, did give, commit, and grant unto, &c., the custody of the person, tuition, regulation, and government of the said E. C. W., To have and to hold the aforesaid custody of the person, tuition, regulation, and government of the said E. C. W., from the date thereof so long, &c. And whereas by the same Letters Patent (or, &c.), our, &c., did commit and grant unto, &c., the custody, regulation, occupation, disposition, and receipt, as well of all manors, messuages, lands, tenements houses farms, revenues, services,*

and hereditaments, with the appurtenances, and of all rents, revenues, and profits thereof, which the aforesaid E. C. W. had, or ought to have, in possession or reversion, as also the custody and government of all the goods and chattels, farms, stock of cattle, wealth, plate, debts, money, jewels, traffic, merchandizes, and other commodities and profits whatsoever, to the said E. C. W. belonging, or in any manner appertaining, and also the use and negotiation of the same. *To have and to hold* the aforesaid custody, regulation, occupation, disposition, and receipt of the aforesaid manors, messuages, lands, tenements, houses, farms, goods, and chattels, and the rest of the premises of the said E. C. W., unto the said W. C., from the date thereof so long as it should please our late Royal Uncle, during the continuance of the lunacy of the said E. C. W., or to the uses and intents, and under the provisos in the same Letters Patent contained and specified, as by the same Letters Patent (amongst other things), remaining on record, may more fully appear. *But because* upon a full examination in our Court of Chancery, before us, had in this behalf, it sufficiently appears to us that the said E. C. W. is recovered of her lunacy aforesaid, and is of sound mind, memory, and understanding, so that she is sufficient for the government of herself and her estate, and we, in this behalf, being willing that what is just and right be done to the said E. C. W., *Know ye therefore* that we, for and in consideration that the said E. C. W. now is not lunatic, but of sound mind, sane memory and understanding, and for divers other good causes and considerations, us, in this behalf especially moving, *Have superseded* and determined, and, by these presents, *Do supersede* and determine the aforesaid Commission, &c., and all process thereupon made and had, and also the Letters Patent aforesaid, and the several grants, &c., made to the said W. C., as aforesaid, and all and singular in the same, &c., contained and specified, to all intents and purposes whatsoever, and all and singular the same we annul and make void by these presents, and also the aforesaid W. C., from the custody, regulation, and government of the person of the said E. C. W., and the aforesaid W. C. from the custody, regulation, occupation, disposition, and receipt of the aforesaid manors, messuages, lands, tenements, houses, farms, goods, and chattels of the said E. C. W., and all and singular other the premises, we fully discharge by these presents, *Requiring* that the aforesaid W. C. shall by no means suffer any person or persons to intermeddle, touching the said E. C. W., or her estate for the future. *And* the said E. C. W., to the regiment and government of herself and all hers, we fully restore by these presents. *In testimony* whereof we have caused these our Letters to be made Patent. *Witness* ourself at Westminster, the — day of —, in the — year of our reign.

FORMS OF PROCEEDINGS AS TO A TRAVERSE.

PETITION FOR LEAVE TO TRAVERSE INQUISITION. (*Vide page 61.*)*In the matter of C. H. T., a person found to be of unsound mind.*

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble petition of the said C. H. T.,

Showeth,

That by an Order for Inquiry made in this matter, on, &c., it was ordered that, &c., should inquire of the lunacy of your Petitioner.

That by the Inquisition taken on the execution of the said Order, on, &c., it was found that your Petitioner was a person of unsound mind, &c.

That your Petitioner has been informed and believes that [*state grounds of Traverse*].

That your Petitioner is advised that the said finding was contrary to the evidence adduced on the part of your Petitioner.

That your Petitioner is greatly aggrieved and prejudiced by the issuing of the said Fiat (or Commission), and the return of the said Inquisition. and that your Petitioner is of sound mind, and perfectly competent to the government of himself and his property.

That the proceedings to appoint Committees of the Person and Estate of your Petitioner, and to inquire who are the heir-at-law and next of kin of your Petitioner, and other matters under the General Orders in Lunacy, are now pending before the Master in Lunacy.

Your Petitioner therefore humbly prays your Lordship that he may be at liberty to traverse the aforesaid Inquisition, and that your Lordship will stay, in the meantime, all further proceedings before the Master. Or that your Lordship will be pleased to make such further or other Order in the premises as to your Lordship shall seem just.

And your Petitioner will ever pray, &c.

Signature of Petitioner —.

Witness to the signing hereof

By the said C. H. T.

J. B., of —, Solicitor.

Answer.

[Date.] Let all persons concerned attend me on the matter of this petition on — next, the — instant, hereof give notice forthwith.

AFFIDAVIT OF A PHYSICIAN IN SUPPORT OF PETITION FOR LEAVE TO TRAVERSE.
IN LUNACY.*In the matter of C. H. T., a person found to be of unsound mind.*

I, W. H. W., of —, Doctor of Physic, make oath and say—

1. That I have been in the practice of medicine for — years and upwards

last past, and that during nine or ten of those years I superintended an establishment for insane persons, at —.

2. That I carefully examined the said C. H. T., on the — day of —, and — day of — last, for the purpose of ascertaining whether he was of sound or unsound mind.

3. That I found the said C. H. T., &c. [*describe alleged Lunatic's state*].

4. That from the result of the said several examinations of the said C. H. T., I am satisfied that the said C. H. T., although incapable, from bodily infirmity, to attend personally to the management of his own affairs, is of sound mind, and competent to give directions for the management and disposal of himself and of his affairs.

Sworn, &c.

AFFIDAVIT OF A PHYSICIAN IN SUPPORT OF SAME.

IN LUNACY.

In the matter of C. H. T., a person found to be of unsound mind.

I, W. M., of —, Doctor of Physic, make oath and say—

1. That on the — day of —, and the — day of —, I saw the said C. H. T. for the purpose of ascertaining whether the said C. H. T. was or was not of sound mind.

2. That previous to the first of the said interviews, I read a Report of the evidence given on the execution of a *Writ de Lunatico Inquirendo*, under which as I have been informed and believe, the said C. H. T. was found and declared to be of unsound mind.

3. That during both such interviews with the said C. H. T., I carefully inquired into the state of his mind, and that I found the said C. H. T. suffering from the effects of several attacks of an apoplectic nature, which had produced paralysis, &c., and in some degree weakened his faculties.

4. That the said C. H. T. answered very shrewdly many questions put to him by me, but, owing to the difficulty of articulation, he requires considerably more time than a person in an ordinary state of health would require to answer questions proposed to him.

5. That from the result of such my inquiry and examination, I am of opinion that the said C. H. T. can distinguish perfectly well between right and wrong, and that although unable from bodily disease to take an active part in the management of his affairs, he is perfectly capable of giving general directions for the management and disposal of himself and his affairs.

6. And I lastly say, that according to the best of my knowledge, judgment, and belief, and the said C. H. T. is not a person of unsound mind, &c.

Sworn, &c.

AFFIDAVIT OF PERSON HAVING CHARGE OF LUNATIC.

IN LUNACY.

In the matter of C. H. T., a person found to be of unsound mind.

I, J. J. W., of —, make oath and say—

1. That I have known the said C. H. T. about ten years. That I only saw

him occasionally until the latter end of — last. That the said C. H. T. has, from that time, resided with me, except for a short period, when he was at —, for the purpose of attending the execution of the Commission, in the nature of a *Writ de Lunatico Inquirendo*, issued against him.

2. And I further say, that I attended the execution of the said writ, and was examined as a witness thereon, and that upwards of thirty witnesses were called and examined on the part of the said C. H. T., who respectively deposed on their examination that the said C. H. T. was not, in their opinion, a person of unsound mind, or to that effect.

3. From the opportunities I have had of seeing and conversing with the said C. H. T., and observing his manner and conduct, it is my opinion, judgment, and belief, that the said C. H. T. is not a person of unsound mind, but that he is capable of giving all necessary directions for the management of himself and his affairs, although from bodily infirmity, he cannot actively interfere in the management of his property.

Sworn, &c.

ORDER ALLOWING TRAVERSE.

In the matter of C. H. T., a person found to be of unsound mind.

WHEREAS the said C. H. T. did, on, &c., prefer his petition to me, stating, &c., and praying that he might be at liberty to traverse the aforesaid Inquisition, and that I would stay in the meantime all further proceedings before the Master, or that I would be pleased to make such further or other order in the premises as to me should seem just. Whereupon I ordered all parties, &c. And the matter of the said petition having been in hearing before me, &c. Now upon inspecting and examining the said petitioner, and considering the aforesaid petition and affidavits, I do think fit and hereby order that the said petitioner, C. H. T., be at liberty to traverse the Inquisition taken in this matter, bearing date, &c., in person, and that such Traverse be filed forthwith. And I do hereby further order that the said C. H. T. do appear personally at the trial of such Traverse, and that the same be tried at the next assizes to be holden in and for the county of —, by a special jury of the said county, and be returned within one month after the said trial, and in the meantime, and until the trial of such Traverse, I do hereby further order that two medical men, on each or either side, who have not yet seen the said C. H. T., be at liberty to visit the said C. H. T., at such times and in such manner, either alone or in the presence of such person or persons as they respectively may think right, and without the interference of any person or persons whomsoever, for the purpose of examining him, and ascertaining the actual state of his mind, and his competency or incompetency to manage himself and his affairs, in order that they respectively may give evidence thereof upon the trial of the said Traverse.

ANOTHER ORDER ALLOWING TRAVERSE.

In the matter of C. J. A., a person found to be of unsound mind.

WHEREAS the above-named C. J. A., the wife of, &c., did on, &c., prefer her petition, &c., praying that she might be at liberty to traverse the Inquisition taken on the execution of the Commission on the 21st day of August now last past, whereby it was found that she was a person of unsound mind, and that we would order a stay in the meantime of all further proceedings before the Masters in Lunacy in this matter. WHEREUPON all parties concerned were ordered, &c., and the said petition having come on to be heard before us on, &c., and having stood over according to our direction in that behalf then given, and having come on to be heard before us again on the 13th day of November instant, in the presence of the counsel aforesaid, for the several parties aforesaid, and having been mentioned to us again on this day. Now upon hearing the said petition, &c., and the said C. J. A. having, in pursuance of our direction in this behalf, personally attended before us and been examined by us as to her wish to traverse the aforesaid Inquisition, and having expressed her wish so to do. And it appearing to us upon such examination that the said C. J. A. is mentally competent to form and express such wish as aforesaid. We do order that she be at liberty to traverse the same accordingly. And we do further order that the Traverse be tried before a special jury of the county of Middlesex, on or before the first day of March, 1858, and be returned within one month after trial. And we do order that the said C. J. A. be at liberty to return to France until the trial of the aforesaid Traverse, or until further order. And the Solicitor for the petitioner, undertaking to keep S. G., the Solicitor for the said trustees, from time to time acquainted with the place of residence of the said petitioner. We do order that the said trustees be at liberty to pay or apply the sum of, &c., per month for the provisional maintenance, support, and comfort of the said C. J. A., until the trial of the aforesaid Traverse, or until further order. And that the said trustee be also at liberty to pay to J. H., the Solicitor of the said petitioner, the sum of, &c., in respect of his disbursements for the maintenance of the said C. J. A. and her travelling expenses. And we do order that any of the parties hereto be at liberty to apply to us touching the expenses of the trial of the Traverse as they shall be advised.

J. L. K. B., L. J.

G. J. T., L. J.

ORDER AS TO SALE OF PROPERTY PENDING TRAVERSE.

In the matter of C. J. A., a person found to be of unsound mind.

WHEREAS the above-named C. J. A., the wife of, &c., did on, &c., prefer, &c., praying, &c. AND WHEREAS by our order, dated, &c., we ordered that the said C. J. A. should be at liberty to traverse the aforesaid Inquisition. AND WHEREAS application has this day been made to us by, &c., to authorize proceedings on her behalf to restrain the sale of furniture and effects of the said C. J. A., situate, &c., advertised by the directions of the said W. H. A., to take place on the 16th day

of December, instant. Now upon hearing, &c., and the counsel for the said W. H. A. submitting to be bound by such order as we might think fit to make upon this application in the same manner as if a Bill had been filed in Chancery by the said C. J. A., by her next friend. WE DO ORDER that the sale of the said furniture and effects, excepting any articles which the parties hereto may agree are proper to be immediately sold, be stayed, and that the said W. H. A. be restrained from selling by himself or by his agents, any part of such furniture and effects other than such articles as aforesaid, except with the approbation of the Masters in Lunacy as hereinafter mentioned. AND WE DO ORDER that all sums of money which may be produced by the sale of such articles of furniture and effects as the said parties may agree to have sold as aforesaid, be paid into the Bank of England, with the privity of the Accountant General of the Court of Chancery, to the credit of "In the matter of C. J. A., a person of unsound mind." And that the amount to be so paid in be verified by affidavit. And we do order that notwithstanding the aforesaid order for Traverse, the said C. J. A. be at liberty to attend before the Masters in Lunacy and to lay before them any proposal or proposals as to the proper course to be taken respecting the furniture and effects in the aforesaid residence, and to take such course respecting the same as the said Masters shall jointly or severally approve of. And that the said W. H. A. be at liberty to attend before the said Masters upon any such proposal or proposals, or inquiry aforesaid, and with the sanction of the said Master, to bring in any proposal or counter proposal respecting the said furniture and effects, and that due notice of any proposal or proposals to be carried in as aforesaid, be given to the said W. H. A.

CRANWORTH, C.

J. L. K. B., L. J.

G. J. T., L. J.

The Attorney General's Fiat for making up the record is signed by him as follows:

"Let a record of Nisi Prius be made up between our Sovereign Lady the Queen and (C. J. A.) upon the trial of the Traverse of the Inquisition taken by virtue of an order made by the Lords Justices of the High Court of Chancery, and dated the — day of, &c., to inquire amongst other things of the lunacy of the said C. J. A. (Signed) R. B.

RECORD OF TRAVERSE.*

In the Petty Bag }
Office in Chancery } The King against — } Record of Traverse.

Pleas before our Lord the King, in his Chancery at Westminster, in the

* Lord Hardwicke is reported to have stated in the case of Roberts, 3 Atk., 308, that "Lane's Entries is the only Traverse of a Lunacy in print." But as the author of the present volume (who, in his former editions also, inserted the record of a Traverse) has not succeeded in finding any such work; and as in Strange's Report, page 1208, of the same case, it is stated that "the form of the entries in Tremaine, 628, 652," and other authorities were cited in argument: and as also, in Tremaine's Pleas of the Crown, (1723) page 652, which is the page quoted both in Atkyns's and Strange's Reports, the form of a Traverse (Rex. v. Stone) is given, he concludes that Tremaine's Pless, &c., and not "Lane's Entries," was the work referred to by Lord Hardwicke. (Vide also Re Cumming, 1 De Gex. M. and G., 537.)

county of Middlesex, of the Term of the Holy Trinity, in the — Year of the reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, the — day of —.

— { By an Inquisition taken at —, the — day of —, in the
 1744. { — Year of the Reign of our Sovereign Lord William the
 Fourth, by the Grace of God, of the United Kingdom of Great
 Britain and Ireland, King, Defender of the Faith, and in the
 year of our Lord One thousand eight hundred and thirty —,
 before —, Esquire, Commissioner of our said Lord the King,
 (Traverse.) by virtue of His Majesty's Commission, in the nature of a *Writ
 de Lunatico Inquirendo*, under the Great Seal of Great Britain,
 bearing date at Westminster, the — day of — then instant,

to him, the said Commissioner, directed, and to the said Inquisition annexed, to inquire, amongst other things, of the lunacy of —, of — aforesaid, upon the oaths of [*jurors*], good and lawful men of the said county, it was found that the said —, at the time of taking the said Inquisition, was of unsound mind, and incapable of managing his affairs, so that he was not sufficient for the government of himself, his manors, messuages, lands, tenements, goods, and chattels. And that he, the said —, had been in the same state since the year —, but how or by what means he, the said —, became so, the jurors aforesaid knew not, unless by the visitation of God. And the jurors aforesaid also found that whether the said —, being in the same condition, had alienated any lands or tenements, as also what lands and tenements, goods and chattels as yet remained to the said —, the jurors aforesaid knew not; and the said jurors also found that who was the nearer heir of the said — they knew not, as by the said Inquisition, together with the said Commission thereunto annexed, returned into the Chancery of our said Lord the King, at Westminster aforesaid, and there now remaining, filed amongst the Records of the said Court, may more fully appear. And now at this day, that is to say, on the — day of —, in the same Term, before our said Lord the King, in his Chancery at Westminster, in the said county of Middlesex, cometh the said —, by —, Esquire, his attorney, and prays oyer of the said Commission, the return thereof, and the Inquisition thereupon taken, and the same being read and heard, the said — complains that by colour of the premises he is greatly vexed and disturbed, and that unjustly, because protesting that the said Commission, and return thereof, and the Inquisition thereupon taken, are insufficient in law, and unto which he need not, neither is he bound by the law of the land to answer. For plea, nevertheless, in this behalf, the said — saith that he, the said —, at the time of taking the said Inquisition, was, and from thence hitherto hath been, and now is of sound mind, and capable of managing his affairs, and was and is sufficient for the government of himself, his manors, messuages, lands, tenements, goods, and chattels, without this that he, the said —, at the time of taking the said Inquisition, or at any time after, was or now is of unsound mind, and incapable of managing his affairs, so that he was not nor is sufficient for the government of himself, his manors, messuages, lands, tenements, goods, and chattels, in manner and form, as by the said Inquisition is above found, and

this the said — is ready to verify, wherefore he prays judgment, and that the said Commission, return, and Inquisition thereupon taken, may be vacated and discharged, and that the hands of our said Lord the King may be amoved, and that he, the said —, may be restored to the government of himself, and to the possession of all his manors, messuages, lands, tenements, goods, and chattels, and that he, under colour of the said Inquisition, may be no further molested, but from the premises may be wholly discharged by this Court, and so forth.

Replication of
the Attorney
General. AND SIR JOHN CAMPBELL, KNIGHT, ATTORNEY GENERAL of
our said Lord the King, who prosecutes for our said Lord the
King in this behalf, being present here in Court in his own proper
person, for our said Lord the King, says, that by reason of any
thing by the said — above in pleading alleged, the said Commission, return,
and Inquisition thereupon taken, ought not to be vacated or discharged, nor the
hands of our said Lord the King amoved, nor the said — restored to the
government of himself, or to the possession of his manors, messuages, lands,
tenements, goods, and chattels, Because he says that the said —, at the time of
taking the said Inquisition, was, and from thence hitherto hath been, and now
is of unsound mind, and incapable of managing his affairs, so as not to be
sufficient for the government of himself, his manors, messuages, lands, tenements,
goods, and chattels, in manner and form, as by the said Inquisition is above
found. And this the said Attorney General, who prosecutes as aforesaid, prays
may be inquired of by the country, &c.

[And the said — doth the like.]

Therefore the Sheriff is commanded that he cause to come before our Lord
the King, on the — day of —, wheresoever he shall then be, in England,
twelve, &c., by whom, &c. And who are in no wise of kindred to the said —,
to recognise, &c. Because, as well, &c., the same day is given to the parties —
aforesaid there, &c.

ANOTHER FORM OF TRAVERSE OF INQUISITION, TAKEN UNDER LUNACY
REGULATION ACT, 1853.

In the Petty Bag }
Office in Chancery. } *The Queen against A——.* }

Pleas before our Lady the Queen, at Westminster, as of Hilary Term, in
the 21st year of the Reign of our Sovereign Lady Queen Victoria, by
the Grace of God, of the United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith.

MIDDLESEX. }
Essex. } Be it remembered that the Right Honorable Robert Monsey
Essex. } Baron Cranworth, Lord High Chancellor of Great Britain, on
the 22d day of January, in this same Term, before our Sovereign
Lady the Queen, at Westminster, hath delivered here into Court, with his
own proper hands, a certain Record, had before our Sovereign Lady the
Queen, in her Chancery, in these words, that is to say, Pleas before our Lady

the Queen, in Chancery, at Westminster, as of the Term of Michaelmas, in the 21st Year of the Reign of our Sovereign Lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, the 8th day of, &c., Middlesex, to wit. By an Inquisition taken at the house, situate, &c., on, &c., in the 21st Year of the Reign of our Sovereign Lady, &c., and in the Year, &c., by E. W., Esq., one of the Commissioners of our said Lady the Queen, by virtue of Her Majesty's General Commission, under the Great Seal of Great Britain, bearing date at Westminster, the 14th day of November, 1853, to F. B. and E. W., Esqs., the Masters in Lunacy, directed, and under an order of the Right Honorable the Lords Justices of the Court of Appeal in Chancery, made on, &c., and which Order is to the said Inquisition annexed, to inquire of the Lunacy of, &c. He, the said E. W., having personally examined the said C. J. A., and taken evidence, and called for information to ascertain whether or not the said C. J. A. was of unsound mind, found that the said C. J. A. was a person of unsound mind, so that she was not sufficient, &c., and the said E. W. certified the same accordingly. As by the said Inquisition together with the said Order thereunto annexed, returned into the Chancery of our said Lady the Queen aforesaid, and there now remaining filed amongst the Records of the said Court may more fully appear. And now at this day, that is to say, on the 8th day, &c., in the same Term, &c., cometh the said, &c., by, &c., and prays oyer of the said Order, and the Inquisition, &c. (*as in previous form*). For Plea, nevertheless, &c. Wherefore, she prays judgment, and that the said Order and Inquisition thereupon taken may be vacated and discharged, &c.

Replication of At-
torney General.

The twentieth day of January, in the year of our Lord,
1858, and as of the Term of Hilary, in the same
year.

AND SIR RICHARD BETHELL, KNIGHT, ATTORNEY GENERAL of our said Lady the Queen, who prosecutes for our said Lady the Queen in this behalf, being present here in Court in his own proper person, says that the said Order and Inquisition thereupon taken ought not to be vacated and discharged, nor ought the hands of our said Lady the Queen to be removed, nor ought the said C. J. A. to be restored to the government of herself, and to the possession of all, &c., or wholly discharged as aforesaid, because he says that the said C. J. A., at the time of taking the said Inquisition, was and still is a person of unsound mind, and not sufficient for the government of herself, her manors, &c. (*As in preceding Form*.)

R. BETHELL.

And the said C. J. A. doth the like.

Therefore, to try the issue above joined, the Sheriff of Middlesex is commanded. (*As above*.)

Where the Attorney General prays a *Tales de circumstandibus*, he signs the following:—

Sir R. B., Knight, the Attorney General of our Sovereign Lady the Queen, prays a *Tales de circumstandibus*, to be granted by the Court herein according

to the statute in such cases made and provided, for the trial of a certain issue, joined between our Sovereign Lady the Queen and C. J. A., upon the trial of a Traverse of an Inquisition taken and issued out of the High Court of Chancery, to inquire amongst other things of the lunacy of C. J. A.; the jury to be taken in this behalf do remain untaken for default of jurors. By controlment of Hilary Term —, of Victoria.

(Signed) R. B.

N.B.—All the proceedings are engrossed on parchment, and, with the jury panels annexed (of special and common jurors), filed in the Queen's Bench as passed through the Petty Bag and Crown Offices.

FORMS OF PROCEEDINGS ON THE LUNATIC'S DEATH,

DISPENSING WITH FINAL ACCOUNT, OPENING AND DELIVERING OUT WILL,
AND PETITION FOR TRANSFER OF FUND OUT OF COURT.

[*Vide page 57, and General Order (of 1853) 47.*]

AFFIDAVIT OF DEATH AND IDENTITY.

IN LUNACY.

In the matter of E. A. P., Widow, a person of unsound mind.

I, R. B., of, &c., Physician, make oath and say, that I knew the above-named E. A. P., who resided for some time prior to her decease at, &c., and departed this life in or about the month of December last, and that the said E. A. P. is the same person as is mentioned in the annexed paper writing or certificate marked A, and is therein described as "E. A. P., Widow of C. P."

Sworn, &c.

ANOTHER FORM.

IN LUNACY.

In the matter of J. R., a person of unsound mind, deceased.

I, G. C., of, &c., Gentleman, make oath and say as follows:—

1. That I knew and was well acquainted with the above-named J. R., for many years prior to his decease.

2. That on, &c., I received from, &c., the medical attendant of the said deceased, information of his death.

3. That on the following day I called at the residence of the said deceased, and there saw the corpse of the said J. R., the person above-named.

Sworn, &c.

[STAMP.]

REQUEST TO DELIVER OUT LUNATIC'S WILL UNDER ACT, SEC. 84.

(Vide page 57.)

IN LUNACY.

In the matter of M. C., Spinster, a person of unsound mind.

I hereby request that the paper writing purporting to be a Will or Testamentary Paper of the above-named M. C., and now remaining deposited in your office, may be delivered to the Registrar or other proper officer of the Principal Registry of Her Majesty's Court of Probate, pursuant to the Lunacy Regulation Act, 1853, Sec. 84. Dated this — day of —, 186—.

R. C.,

Solicitor for W. G., Committee of the Estate of the above-named M. C., and for M. B. and E. G., her next of kin.

To the Masters in Lunacy, &c.

CERTIFICATE OF OPENING AND DELIVERING OUT WILL. (Vide page 57.)

In the matter of A. B., a person of unsound mind, deceased.

To the Right Honorable the Lord High Chancellor of Great Britain.

I have been attended by the Solicitors for the several next of kin of the said A. B., and there having been laid before me an affidavit of, &c., sworn, &c., I certify as follows (viz.):

1. That the said A. B. died on or about the — day of —, 186—.
2. That having been satisfied of the death of the said A. B., I did, on, &c., open and read the paper writing deposited with the Masters in Lunacy, and purporting or alleged to be his will, for the purpose of ascertaining who is therein nominated executor thereof. And also whether or not there was any and what direction therein contained concerning his funeral or place of interment.
3. And I have on this — day of &c., delivered out the said paper writing to the Registrar of the Principal Registry of Her Majesty's Court of Probate.

STATE OF FACTS AND PROPOSAL TO DISPENSE WITH PASSING COMMITTEE'S ACCOUNT, AND FOR DELIVERY OUT OF DEEDS, &c., ON LUNATIC'S DEATH.
(Vide 44th and 47th General Orders, and page 58.)

IN LUNACY.

In the matter of E. A. P., Widow, a person of unsound mind.

The State of Facts and Proposal of J. B., of, &c., the Committee of the Estate of the said E. A. P., and of T. B., wife of G. B., the

administratrix, with the will annexed, and also of the next of kin of the said E. A. P.

That the said E. A. P. departed this life on, &c., and that letters of administration (with the will annexed) of the effects of the said E. A. P., were, on the, &c., granted out of, &c., to, &c.

That the said next of kin and administratrix are willing and desirous to dispense with the passing of the accounts of the Committee of the Estate of the said E. A. P., and that the security given by the said —, as such Committee, as aforesaid, should be discharged.

That as appears by a certificate of —, Esquire, the Master in Lunacy, bearing date, &c., certain deeds and documents relating to the real and personal estate of the said Lunatic (*or as the case may be*), were (and are still remaining) deposited in the office of the said Masters for safe custody.

That as to such of the said deeds and documents as are particularized in the first schedule hereto, the same relate to the personal estate of the said Lunatic, and that the said —, as such administratrix as aforesaid, is entitled to receive the same.

That as to such of the said deeds and documents as are particularized in the second schedule hereto, the same relate to the real estate of the said Lunatic, and that —, as the heir-at-law of the said Lunatic, is entitled to receive the same.

And the said J. B. and T. B., &c., crave leave, &c.

NOTE.—This form should be adapted to the circumstances of the particular case.

CERTIFICATE TO VACATE RECOGNIZANCE OF COMMITTEE, WHERE SECURITY GIVEN BY RECOGNIZANCE.

In the matter of, &c.

To the Right Honorable the Lord High Chancellor of Great Britain.

Whereas a proposal has been laid before me, on behalf, &c., proposing that, &c., and submitting that there is no necessity for passing any account of the receipts and payments of the said, &c., as Committee of the Estate of the said, &c., and that his recognizance, as such Committee, should be vacated. And whereas I am of opinion that the passing of the account of the said, &c., may be properly dispensed with. And whereas the security given by the said, &c., was a recognizance by him, and —, his sureties, dated, &c.

Now I hereby direct the Clerk of the Inrolments of the Court of Chancery to attend the Master of the Rolls with the Inrolment of the said recognizance of the said, &c., of the — day of, &c., to be vacated and discharged.

All which I humbly certify to your Lordship.

PETITION FOR TRANSFER OF STOCK AND FOR TAXATION AND PAYMENT OF COSTS. (*Vide page 58.*)

IN LUNACY.

In the matter of A. B., late a person of unsound mind, deceased.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble Petition of C. D., the Committee of the Person and Estate of the said A. B., and E. F. and G. H., the Executors of the said A. B.,

Showeth,

That by an Inquisition taken at, &c., the said A. B. was found to be a person of unsound mind, &c.

That the custody of the person, and the care and management of the estate of the said A. B., were duly granted to your Petitioner, the said C. D.

That the said A. B. departed this life on or about the — day of —, having previously to his insanity duly made and published his last Will and Testament, in writing, bearing date, &c., and which has since been duly proved in, &c., by, &c.

That the several sums of stock and cash following the absolute property of the said A. B., are now standing in the name of the Accountant General of the Court of Chancery, to the credit of the lunacy of the said A. B. (*namely*) [*state them*], and that your Petitioners are desirous that the same may be transferred to the said E. F. and G. H., to be held and applied by them upon the trusts of the said will.

Your Petitioners therefore humbly pray your Lordship that the said several sums of stock and cash so, as aforesaid, now standing to the credit of the lunacy of the said A. B., may, together with any dividends which may accrue due on such stock, previously to such transfer thereof, or the residue thereof, after the taxation and payment of the costs hereinafter mentioned, be transferred and paid to them, the said E. F. and G. H., as such executors, as aforesaid, to be by them held and applied upon the trusts of and according to the said will, and in a due course of administration.

And your Petitioners further pray your Lordship that it may be referred to the Taxing Master in rotation of the High Court of Chancery to tax and certify the reasonable and proper costs, charges, and expenses of, &c. [*specify the matters in respect of which any costs not yet taxed and paid may be due. If the costs have to be raised by sale of stock, pray that the Accountant General of the Court of Chancery may be directed to sell so much of the said stock as, with the said sum of cash standing to the credit of the said matter, may be sufficient to raise the total amount of such costs, to be so certified by the said Master, and that out of the money to arise from such sale, and the cash, the said Accountant General may be directed to pay such costs to the several parties named in the said Master's certificate to receive the same, and then to transfer and pay the residue, &c., as above*]. Or that your Lordship will be pleased to

make such further or other order in the premises as to your Lordship may seem fit.

And your Petitioners will ever pray, &c.

NOTE.—*The evidence in support of this Petition would be the several Records in the lunacy referred to therein, the Probate of the Will, or Letters of Administration, with an Affidavit of Death and Identity, a Certificate of Burial—not of death merely, and the Certificate of the Accountant General as to the stock and cash.*

ORDER AS TO TRANSFERRING FUND OUT OF COURT.

In the matter of A. B., a Lunatic.

Whereas — did, on, &c., prefer his Petition to me, stating, &c., and praying that the respective sums, &c., standing in the name of the Accountant General of the Court of Chancery, together with all future dividends, &c., and the sum of £—, cash, also standing, &c., might be respectively transferred and paid to the Petitioner. And that it might be referred to the proper Taxing Master to tax the costs, &c., of, &c., of that application, and consequent thereon; and all other costs, &c. Or that, &c. Whereupon I ordered, &c. Now upon hearing, &c., I do think fit and hereby order that the Accountant General of the Court of Chancery do transfer the £— Bank 3 pounds per cent. Annuities, standing in his name, to the credit of an account entitled —, a Lunatic, and also the £— like Bank 3 pounds per cent. Annuities standing in the name of the said Accountant General, to the credit of an account entitled —, a person of unsound mind, into the name of the said —, as the executor of the will of the said late Lunatic, to be by him held and applied upon the trusts of and according to the said will, and in a due course of administration. And I do think fit and hereby further order that the said Accountant General do receive the dividends (if any) to accrue due on, &c., like Annuities, previous to the transfer thereof respectively, as aforesaid, and pay the same, and also the sum of £—, now standing to the credit of the said first mentioned account, and also the sum of £—, now standing to the credit of the second mentioned account, the said two several last mentioned sums making together the sum of £—, to the said —, as such executor, as aforesaid, to be by him also applied according to the said will, in a due course of administration. And I do think fit and hereby further order that it be referred to the Taxing Master of the High Court of Chancery, in rotation, to tax, &c. (*describing the costs, &c.*)

ORDER AS TO TRANSFERRING FUND ON LUNATIC'S DEATH, TAXING COSTS, ETC.
(ANOTHER ORDER).

In the matter of S. P. T., a person of unsound mind.

Whereas E. Y., of, &c., and —, of, &c., executors of the last will and testament of the above-named S. P. T. [*Lunatic*], did on, &c., instant, prefer their Petition to me, stating, &c., and praying, &c., I do think fit and hereby order

that it be referred to the Taxing Master of the High Court of Chancery, in rotation, to tax and certify the reasonable and proper costs, &c., of, &c., incurred in and about, &c. [*specifying the costs*], and also their reasonable and proper costs, charges, and expenses, and those of the said executors of, and incident to, and consequent upon this application. And I do hereby further order that the said Master do certify the total amount of such costs, charges, and expenses. And I do hereby further order that the Accountant General of the Court of Chancery do sell so much of the £ — Bank 3 pounds per cent. Annuities now remaining on the credit of this matter, as, with the sum of £ — cash, also remaining on the credit of this matter, and any other cash that may be remaining on the like credit at the time of such sale, will be sufficient to raise the total amount which the said Master shall certify to be due for such costs, charges, and expenses (the amount necessary to be so raised to be verified by affidavit), and one of the Cashiers of the Bank of England is to have notice to attend the said sale, and to receive, &c., who, upon receipt thereof, is to pay the same into the Bank, with the privy, &c., to the credit of this matter. And I do hereby further order that the said Accountant General do, out of the money to arise from the said sale, and the sum of £ — cash (if any), &c., pay the said costs, charges, and expenses to, &c. And I do think fit and hereby further order that the said Accountant General do transfer the residue of the said £ — Bank 3 pounds per cent. Annuities which will be remaining, &c. (the amount of such residue to be verified by affidavit), to the said Petitioners, &c., as the executors, &c., to be by them held and applied upon the trusts of and according to the said will, and in due course of administration. And I do hereby further order that the dividends (if any) that may accrue due on the residue of the said £ — Bank 3 pounds per cent. Annuities, after the sale aforesaid, be paid by the said Accountant General to the said — and —, as such executors, &c., to be by them also applied, &c.

RECEIPT AND AFFIDAVIT VERIFYING SIGNATURE TO RECEIPT FOR BALANCE ON
PASSING COMMITTEE'S FINAL ACCOUNT, AND OF IDENTITY OF PARTIES.

[B] (Vide page 59.)

In the matter of the late A. B., a person of unsound mind.

Received, as the Executors of the late A. B., a Lunatic, of C. D., the Committee of the Estate of the said late A. B., the sum of £ —, being the balance found due from the said C. D. on passing his final account as such Committee, by certificate, &c., dated, &c.

£		E. F.	}	<i>Exors.</i>
		G. H.		

[B] This is the receipt or paper writing marked B, referred to in the affidavit of E. F. and G. H., sworn before me, this — day of —, 18—.

IN LUNACY.

In the matter of the late A. B., a person of unsound mind.

We, E. F., of, &c., and G. H., of, &c., jointly and severally make oath and say—

1. That we are the executors of the above-named A. B., and that C. D., of, &c., the Committee of the Estate of the said A. B., has paid to us, as such executors, the sum of £——, being the balance, &c., on passing his final account as such Committee, as aforesaid.

2. And we further say, that the paper writing marked with the letter B., produced and shown to us respectively at the times of swearing this our affidavit, and purporting to be our receipt for the above sum of £——, is the receipt given by us for such sum. And I, the above-named deponent, E. F., for myself say, that the name or signature of "E. F.," subscribed to the said paper writing marked with the letter B, is my proper handwriting or signature. And I, the above-named deponent, G. H., for myself say, that the name or signature of "G. H.," subscribed to the said paper writing marked with the letter B. is my proper handwriting or signature.

Sworn, &c.

RECEIPT FOR CASH AND DIVIDENDS PAID TO LUNATIC'S ADMINISTRATOR, AND
AFFIDAVIT VERIFYING SAME.

In the matter of A. B., a Lunatic, deceased.

Received this —— day of, &c., of, &c., the Committees of the
(Stamp) above-named Lunatic, the sum of £——, for the dividends which
have arisen subsequently to the decease of the said A. B., on
£—— Bank £3 per cent. Annuities, part of the estate of the said Lunatic, and
late standing, &c., but which Bank Annuities have been this day transferred,
and which dividends are so paid to me, in pursuance of an order of, &c., made
on, &c.

£

G. H.

Witness, W. B. O., of ——.

This is the paper writing referred to, &c. (*as in previous form*).

(Signed) ——.

In the matter of A. B., a Lunatic, now deceased.

I, W. B. O., of ——, Gentleman, make oath and say—

1. That in pursuance of an order of, &c., made in this matter on, &c., C. D. and E. F., the Committees of the estate of the said late Lunatic, did on, &c., by me, as their attorney, duly authorized, transfer the sum of £—— Bank £3 per cent. Annuities, late standing in their names in the Books of the Governor and Company of the Bank of England, and forming part of the estate of the said late

Lunatic, into the name of G. H., in the said Books, as the legal personal representative of the said Lunatic, deceased; and the said C. D. and E. F. did also, in further pursuance of the said order, and by my hand, as their solicitor, pay to the said G. H. the sum of £—, being all the sums which had arisen for dividends on the said Bank Annuities subsequently to the decease of the said A. B., up to the time of such payment, and being the dividends which became due on, &c.

2. And I further say, that I was personally present on the — day of — instant, and did, on that day, see the said G. H. sign the paper writing, &c., purporting to be a receipt for the said sum of £—, for such dividends, &c., and that the name "G. H.," thereto subscribed, as the party receiving the said sum, is the proper handwriting of the said G. H., and that the name, W. B. O., thereto subscribed, as the party attesting the signature thereof by the said G. H., is of my proper handwriting.

Sworn, &c.

LUNATIC TRUSTEES. (*Vide page 67.*)

FORM OF PETITION BY COMMITTEE FOR PAYMENT OFF OF MORTGAGE, UNDER TRUSTEE ACT.

In the matter of T. W., a Lunatic. And in the matter of the Trustee Act, 1850.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble Petition of, &c. (*the Committees of the Estate of the above-named Lunatic*),

Showeth,

That [*state the Facts as to the Mortgage Securities given to the Lunatic, and the necessity (if any) for the payment of the dividends on the investments to the Committees, for the Lunatic's maintenance*].

Your Petitioners therefore humbly pray your Lordship that they may be at liberty to transfer the sum of £— Bank £3 per cent. Annuities into the Bank, with the privity of the Accountant General of the Court of Chancery, in trust in this matter. And that the dividends of the same Bank Annuities may be directed to be paid to your Petitioners, to be applied by them towards the maintenance of the said Lunatic. And that the hereditaments comprised in the said Indenture of the — day of —, and thereby conveyed to the said Lunatic and his heirs, may vest in, &c., their heirs and assigns, subject to the equity of redemption, to which the same were subject, and that the right to sue for and recover the said mortgage debt of £—, mentioned in the said Indenture of the — day of —, and all interest due, and to accrue due thereon, may vest in the said —, their executors, administrators, and assigns. And that, — may be ordered to pay the sum of £—, due from the estate of T. B., to the estate of the said Lunatic, into the Bank, with

the privy of the said Accountant General of the Court of Chancery, to the credit of this matter. And that the said — may be also ordered to pay to your Petitioners, as such Committees, as aforesaid, the interest of the said sum of £—, from the — day of — until the time of payment, as aforesaid, of the said sum of £—, such interest to be applied by your Petitioners for or towards the maintenance of the said Lunatic. And that — may be also ordered to pay the sum of £—, due from the estate of the said — to the estate of the said Lunatic, into the Bank, with the privy of the Accountant General of the Court of Chancery, to the credit of this matter. And that the said — may be also ordered to pay to your Petitioners, as such Committees, as aforesaid, the interest on the said sum of £—, from the — day of —, until the time of payment of the said sum of £—, to be applied by your Petitioners for or towards the maintenance of the said Lunatic. And that upon such payments respectively been made into the Bank, and to your Petitioners, by the said —, the lands comprised in the said Indentures of, &c., and thereby conveyed to the said Lunatic and his heirs, may vest in the said —, his heirs, and assigns, subject to the equity of redemption, to which the same were subject. And that the right to sue for and recover the said mortgage debt of £—, mentioned in the said Indenture of the — day of —, and all interest due, and to accrue due thereon, may vest in the said —, his executors, administrators, and assigns. And that your Petitioners may be at liberty to transfer the said £— Bank £3 per cent. annuities, which were purchased with the said sum of £— received, as aforesaid, from —, into the Bank, with the privy of the Accountant General of the Court of Chancery, to the credit of this matter. And that the dividends on the said last mentioned Bank Annuities may be ordered to be paid to your Petitioners, to be applied by them for or towards the maintenance and support of the said Lunatic. And that it may be referred to one of the Taxing Masters of the High Court of Chancery to tax the costs of your Petitioners, and all other parties, incurred in and about this matter, &c. And that the amount of such costs, &c., may be paid out of, &c. And that the residue of the said sums may be laid out, &c. And that the interest and dividends thereof may be paid to your Petitioners, to be applied by them for or towards the maintenance and support of the said Lunatic. And your Petitioners will ever pray, &c.

ORDER ON ABOVE PETITION.

Friday, the — day of —, &c.

In the matter of T. W., a Lunatic. And in the matter of the Trustee Act, 1850.

WHEREAS (reciting petition). WHEREUPON, &c. Now upon hearing the said petition, &c., WE DO ORDER that the said Petitioner, W. B. S., do transfer the

£ (*Stock*), mentioned in the said petition, into the name, and with the privity of the Accountant General, in trust, &c. AND WE DO ORDER that the hereditaments and premises comprised in the Indenture mentioned in the said petition, dated, &c., made between, &c., and thereby conveyed to the said Lunatic, be, in accordance with the provisions of the Trustee Act, 1850, vested in the said —, in such manner and for such estate as the same are now vested in the said Lunatic, and that the right to sue for and recover the mortgage debt of £—, and interest, secured by the said last mentioned Indenture, be in accordance, as aforesaid, vested in the said —. AND WE DO ORDER that the said — be at liberty to pay the sum of £—, and the said — to pay the sum of £— respectively, into the Bank of England, with the privity of the Accountant General of the Court of Chancery, to the credit of the matter of T. W., a Lunatic. AND WE DO ORDER that the said — do pay the interest due and to accrue on the said principal sums of £—, and £—, up to the time of payment thereof, into the Bank, as aforesaid, to the said [*Committee*], as aforesaid. And we do appoint and direct the said W. B. S., upon payment of the said sums of £— and £—, and interest, as aforesaid, at the expense of the said —, to convey, in the place of the said Lunatic, the hereditaments and premises comprised in the Indentures, dated the—, in the said petition mentioned, to the said —, discharged of the said principal sum of —, and interest thereon, but subject, as to the said mortgage debt of £—, to the equity of redemption affecting the same. And we do order that the said W. B. S. do transfer the £— Bank £3 per cent. Annuities, mentioned in the said petition, into the name and with the privity of the said Accountant General, in trust in the matter of T. W., a Lunatic. And we do order [*as to taxation and payment of costs, and investment of residue of cash, and payment of dividend to Committee for Lunatic's maintenance*].

ANOTHER FORM OF ORDER.

In the matter of T. J., a Lunatic. And in the matter of the Trustee Act, 1850.

WHEREAS L. J. (wife and guardian of infant heir) and J. T. the Committees of Estate of, &c., and, &c., did on, &c., prefer their petition, &c., praying, &c. WHEREUPON, &c. We do order that [*the Petitioner*] W. B. be at liberty on or before the — day of — next to pay the sum of £— into the Bank with the privity of the Accountant General, to the credit of "The matter of T. J., a person of unsound mind," and to pay any interest which may be due on the said sum at the time of such payment, to L. J. and J. T. the Committees of the Estate. And we do appoint the said L. J. and J. T., the Committees aforesaid, upon payment being made of the said principal sum and interest as aforesaid, to convey to the said W. B. and at his expense, the hereditaments and premises comprised in the said Indenture, dated, &c., for all the estate and interest of the said T. J. therein. (*Then follow directions for investment of money and payment of dividends to Committees.*)

VESTING ORDER.

A vesting order in lieu of the above is as follows :—

We do order that upon payment by the said (*Mortgagor*) to the Petitioner (*The Committee*) of the sum of £—, secured by mortgage of the premises comprised in the said Indenture, and of interest at the rate of, &c., to the time of payment thereof, the hereditaments and premises comprised in the same Indenture do vest in the said (*Mortgagor*) for all the estate and interest therein of the said (*Lunatic*) as such, &c.

N.B.—The costs of obtaining the Order and of the proceedings in the Lunacy are borne by the Lunatic's estate; the costs of any re-conveyance or proceeding in the nature of it by the mortgagor.

MISCELLANEOUS PROCEEDINGS.

REQUEST FOR PRODUCTION OF PAPERS IN COURT. (*Vide page 78.*)

[Stamp.]

IN LUNACY.

In the matter of A. B., a person of unsound mind.

I hereby request that the several documents mentioned in the schedule hereto, may be produced at the hearing of the petition of —, in this matter, before the Lord —, at — o'clock in the morning of — next, the — day of —, 186—. Dated this — day of —, 186—.

(Signed) J. G.,
Solicitor for, &c.

To the Masters in Lunacy.
&c. &c.

The Schedule, &c.

AS TO UNDERTAKING OF COMMITTEE OF PERSON WHERE PAYMENT OF
MAINTENANCE MADE IN ADVANCE.

That the said (Committee of Person) has, by writing signed by him, undertaken that if the said allowance of £— a-year is ordered to be paid to him half-yearly in advance, he will, in case the said G. B. dies on any other than one of the said half-yearly days of payment, account before the Masters in Lunacy for so much of the previous half-yearly payment of the said allowance as shall remain unexpended in such maintenance.

AFFIDAVIT OF RESIDUE OF STOCK.

In the matter of M. W., a person of unsound mind.

I, J. P., of, &c., clerk to, &c., make oath and say as follows :—

That the residue of the £— Bank £3 per cent. Annuities, standing in the name of the Accountant General of the Court of Chancery, in trust in this

matter, remaining after the sale of so much thereof as was sufficient to raise the sum of £——, due to, &c., in the Master's General Report in this matter, dated, &c., mentioned, is £—— like Bank £3 per cent. Annuities.

Sworn, &c.

CERTIFICATE DIRECTING ACCOUNTANT GENERAL TO RAISE COSTS BY SALE
OF STOCK.

To the Accountant General }
of the Court of Chancery. }

In the matter of B. G., a person of unsound mind.

Pursuant to a Report in this matter, dated, &c., confirmed by fiat, dated, &c., the certificate of Mr. —, one of the Taxing Masters of the High Court of Chancery, dated, &c., and an affidavit of, &c., sworn on, &c., so much of £—— Bank £3 per cent. Annuities standing in your name, in trust in this matter, appearing by the said affidavit to be the residue of £—— like Annuities, after the sales of parts thereof by the said Report and Order, and also by an Order dated, &c., directed, as will be sufficient to raise the sum of £—— cash, is to be sold, with your privity.

ORDER DISMISSING A PETITION WITH COSTS.

In the matter of F. W. S., a person of unsound mind.

WHEREAS R. A. R. S. did, on, &c., prefer his Petition, &c., praying, &c. WHEREUPON, &c. And the said Petition having come on, &c. We do order that the said Petition be dismissed. And that the costs of the said Committees, &c., and of the said, &c., and of and occasioned by this application, and consequent thereon, be taxed. And that the amount of such respective costs, when taxed and certified by the Taxing Master, be paid by the said Petitioner, R. S., to the several solicitors to whom the said Master shall certify that the same should be paid, within one month after the service of a copy of this Order, and a copy of the Master's certificate of taxation, on the said R. S. And we do order that due notice of attending the said Master, on the aforesaid taxation of costs, be given to the said R. S.

ORDER DECLARING COSTS TO BE CHARGEABLE ON LUNATIC'S ESTATE. (*Vide*
pages 76—79.)

In the matter of J. Hart, a Lunatic, deceased.

Now upon hearing the said Petition, and the certificate of the Taxing Master in this matter, dated, &c., and the joint affidavit of, &c., of the service of notice

of hearing the said Petition, sworn by the deponents respectively, on the — day of — last, read and what was alleged by the counsel aforesaid. And it appearing by the said certificate that the Master has taxed the costs properly incurred to the said Petitioners (Messrs. —, Solicitors), by or on behalf of W. H., of, &c., and O. B., and by or on behalf of the Committees of the Person and Estate of the late Lunatic, in the matter of this lunacy, at the sum of £—. We do declare the costs so taxed by the said Master. at the said sum of £—, to have been properly incurred for the benefit of the said late Lunatic, J. H. And we do reserve the consideration of the costs of all parties of this application, and direct that any or either of the said parties be at liberty to apply to us touching the same, as they shall be advised.

ANOTHER ORDER DECLARING COSTS TO BE A CHARGE ON LUNATIC'S ESTATE.

(*Vide pages 76—79.*)

25 June, 1859.

In the matter of J. P. Roberts, a person of unsound mind, now deceased.

WHEREAS R. R. did, &c.. WHEREUPON, &c.

NOW upon hearing, &c., WE DO ORDER that the reasonable and proper costs, charges, and expenses of the said Petitioner, R. R., incurred in obtaining and prosecuting the Order for Inquiry in this matter, and also his reasonable and proper costs, charges, and expenses, and those of E. W., &c., incurred in the matter of the lunacy of the said J. P. R. subsequently to the said Inquiry, be taxed. AND WE DO DECLARE the amount at which the aforesaid costs, charges, and expenses of the said Petitioner and of the said E. W. and D. C., shall be taxed to have been properly incurred for the benefit of the said J. P. Roberts. And we do further declare that the said sum of £15 was properly incurred by the said R. R. for the maintenance of the said J. P. Roberts.

J. L. KNIGHT BRUCE, L. J.

G. J. TURNER, L. J.

ORDER FOR MAKING COSTS, AND AN ADVANCE TO PAY THEM BY BANKERS
A CHARGE ON THE LUNATIC'S ESTATE. (*Vide page 77.*)

Re F., and matter of Lunacy Regulation Acts, 1853 and 1862.

NOW upon hearing, &c., and it appearing to be for the benefit of the said J. F., that the costs, charges, and expenses mentioned in, &c., should be raised by charge as hereinafter mentioned, instead of a mortgage, as approved of, &c. WE DO ORDER, &c. (*for taxation of costs*). AND WE ORDER that (*Bankers*) be at liberty to advance, &c. (*amount of costs*), taxed (&c.), and to pay same to (*Committees*), to be applied in payment of such costs, &c. AND WE DO ORDER that the estate and interest of the said J. F., expectant on the decease of his mother, E. F., of and in the hereditaments and premises mentioned, &c., do stand and be charged with the moneys which shall be advanced by the said

(*Bankers*) as aforesaid, together with compound interest thereon at the rate of £5 per cent. per annum, to be taken on yearly rests until the day of the decease of the said E. F., and after her decease at the rate of £5 per cent. per annum on the amount which, at her decease and until payment of such moneys, be payable to the said (*Bankers*), and the survivor of them, and the executors and administrators of such survivor, their or his assigns.

FEEs IN LUNACY.

TABLE OF FEES TAKEN IN THE MASTERS' OFFICE. (*Vide sec. 29, Lunacy Regulation Act, 1853*).

	£	s.	d.
For each Report or Certificate (stamp)	1	0	0
For attending any Court by the clerk, per diem (stamp)	1	0	0
(For copies of papers, &c., the stationer's charges only.)			

TABLE OF FEES TAKEN IN THE OFFICE OF THE REGISTRAR IN LUNACY. (*Vide sec. 29, Lunacy Regulation Act, 1853*).

	£	s.	d.
For each Order or Fiat (stamp)	2	0	0
For attending any Court by the clerk, per diem (stamp)	1	0	0
(For copies of papers, &c., the stationer's charges only.)			

COSTS IN LUNACY.* (*Vide page 76*.)

No. 1.

COSTS OF AN INQUIRY, APPOINTMENT OF COMMITTEES, AND FIXING MAINTENANCE.

In the matter of A. B., a person of unsound mind.

The Bill of Costs of the Next of Kin, incurred in obtaining and prosecuting the Inquiry in Lunacy in this matter, and the proceedings subsequent thereto, to be taxed under an Order dated, &c.

[*Insert dates.*]

	£	s.	d.
Attending Messrs. — on the subject of an Inquiry against the above-named A. B.	0	6	8

* There is no fixed or definite scale of costs of proceedings in Lunacy; and the allowance or disallowance of any given item rests wholly in the discretion of the Taxing Master, subject to the control of the Lord Chancellor. It is obvious, therefore, that each bill should be adapted to the circumstances of the particular case; and that the following taxed bills (for which, chiefly, the Author is indebted to the kindness of several Solicitors), cannot be con-

	£	s.	d.
Attending Mr. L., when we requested him to furnish us with a copy of the will of Mr. B.	0	6	8
Attending Mr. R., when he instructed us to proceed	0	6	8
Instructions for Petition	0	6	8
Drawing and engrossing Petition for Inquiry	0	10	0
Attending Mr. R. reading over and attesting his signature thereto	0	6	8
Attending to present Petition	0	6	8
Perusing will of Mr. R., deceased, as to annuity to alleged Lunatic	0	6	8
Attending Mr. R. as to evidence, when he referred us to Mr. W. Afterwards attending and instructing him as to evidence	0	13	4
Instructions for affidavit in support	0	6	8
Drawing and engrossing affidavit of Mr. R., fol. 4	0	5	4
Attending to read over and get sworn, and oath	0	9	2
Instructions for further affidavit	0	6	8
Drawing and engrossing affidavit of Mr. W., fol. 4	0	5	4
Attending to read over and get same sworn, and oath	0	9	2
Letter to Mr. L., requesting him to see Lunatic and report	0	5	0
Instructions for his affidavit	0	6	8
Drawing and engrossing Mr. L.'s affidavit, fol. 5	0	6	8
Attending to read over and get same sworn, and oath	0	9	2
Paid filing the three affidavits and for office copies	0	1	10
Copy Petition for service on alleged Lunatic, with copy notice required by General Order	0	6	8
Journey to O., to serve same	0	15	0
Affidavit of service thereof, and oath	0	9	6
Attending Registrar therewith, and afterwards to know if Inquiry directed	0	6	8
Paid stamp on Fiat	2	0	0
Attending at Masters' office as to time and place of opening Inquiry	0	6	8
Attending Mr. R., as to witnesses to give evidence	0	6	8
Attending Master with information received by us, and arranging further as to holding Inquiry	0	6	8
Attending again, giving further information required by Master, and obtaining subpoenas and precept	0	6	8
Making six copies subpoenas and service thereof, on, &c.	1	10	0
Attending thereon, taking particulars of witnesses' evidence	0	13	4
Attending Messrs. L. and B., taking particulars of family, and going through same with them	0	6	8
Drawing and two fair copies brief of evidence in support of inquiry, if needed	2	13	4
Drawing inquisition	1	0	0
Fair copy	0	6	8
Attending inquiry, A. B. found of unsound mind	2	2	0
Horse-hire and expenses	0	5	0

sidered as conclusive tables of fees and allowances, to which the Solicitor is, of right, entitled on the taxation of his costs, in any other case.

	£	s.	d.
Paid three witnesses, Messrs. S., E., and S.	1	10	0
Engrossing inquisition for Master's signature ...	0	13	4
Paid parchment	0	5	0
Attending to file inquisition	0	6	8
Paid Mr. L. for attendance on Lunatic, and giving evidence ...	2	2	0
Drawing and two fair copies of state of facts	0	12	0
Summons on leaving copy and service	0	2	6
Ditto to proceed	0	2	6
Attending same	0	6	8
A second summons to proceed—copy and service, and attending same	0	9	2
Summons on preparing report, copy and service	0	2	6
Paid copy draft report, fol. 27	0	3	7
Close copy thereof	0	9	0
Two summonses to settle same copies and service	0	5	0
Attending same	0	13	4
Summons to sign, and attending same	0	9	2
Stamp on report	1	0	0
Attending Registrar several times for Fiat confirming report, and for office copy report, &c.	0	13	4
Paid stamp on Fiat	2	0	0
Attending Masters in Lunacy to bespeak bond of Committee ...	0	6	8
Letter to Mr. R., as to value of Lunatic's contingent interests, &c.	0	3	6
Attending him several times thereon	0	6	8
Attending Mr. R., as to amount of stock in names of executors, &c.	0	6	8
Letter to him accordingly	0	5	0
Attending Master as to value of Lunatic's contingent interest ...	0	6	8
Paid for bond of Committees and sureties	1	15	6
Attending for same	0	6	8
Attending the Committee and sureties, reading over and attesting execution of bond	0	13	4
Filling up affidavit and attending to make oath of execution of bond	0	6	8
Paid for oath and exhibit	0	5	0
Attending sureties to be sworn to affidavits of sufficiency ...	0	13	4
Paid for oaths	0	5	0
Attending at Masters' office as to time for completing security ...	0	6	8
Attending at Masters' office with bond and affidavits executed and bespeaking certificate of completion	0	6	8
Paid for stamp thereon	1	0	0
Attending at Registrars' office as to certificate, and for office copy	0	6	8
Paid for same	0	0	10
Attending, &c., inquiring amount to be paid, receiving and transmitting same to Committees	1	0	0
Copy order for Taxing Master	0	6	8
Attending to get same referred	0	6	8
Drawing this bill of costs, and copy, fol. 20	0	13	4

	£.	s.	d.
Warrant on leaving same	0	2	6
Two warrants to tax	0	5	0
Attending taxation	0	13	4
Paid for certificate of costs	1	0	10
Attending thereon	0	6	8
Paid filing	0	1	0
Letters, postages, &c.	1	1	0
Total ...	£47	7	5

No. 2.

IN LUNACY.

In the matter of W. G., a person of unsound mind.

Bill of Costs of Petitioner of obtaining and prosecuting the Order for Inquiry.

[Insert dates.]

	£	s.	d.
Attending Mr. O., brother-in-law of W. G., as to taking proceedings	0	6	8
Attending with him on Dr. S., conferring on symptoms, &c. ...	0	6	8
Writing Dr. S., making appointment to see Lunatic ...	0	5	0
Attending accordingly	1	11	6
Writing Mr. O., communicating particulars	0	5	0
Writing to Petitioner thereon	0	5	0
Instructions for Petition	0	6	8
Drawing and engrossing it	0	10	0
Attending Dr. S. as to Lunatic's treatment, &c.	0	6	8
Instructions for four affidavits in support of Petition ...	1	6	8
Drawing and engrossing same, including an attendance on a witness, taking notes of evidence, &c.	3	5	2
Attending the four deponents, reading over affidavits, and with them to be sworn	1	6	8
Attending Petitioner, attesting his signature to Petition ...	0	6	8
Attending to present Petition	0	6	8
Attending parties on claim for maintenance and advising ...	0	6	8
Writing Petitioner thereon	0	5	0
Drawing notice to be served on Lunatic, and copy	0	6	8
Registrar in Lunacy having required further affidavit, instructions for same	0	6	8
Drawing and engrossing same	0	5	4
Writing therewith to be sworn	0	5	0
Attending, serving Petition and notice on Lunatic	0	13	4
Drawing and engrossing affidavit of service	0	5	4
Attending to be sworn	0	6	8
Writing Petitioner as to further affidavit	0	3	6
Paid stamp on Order	2	0	0
Attending for Order	0	6	8

	£	s.	d.
Attending Master therewith, and to obtain appointment holding Inquiry, further information required	0	6	8
Attending again, making appointment	0	6	8
Writing Petitioner, apprising him of appointment	0	5	0
Paid for office copy affidavits	0	5	4
Drawing and engrossing summonses to witnesses	0	5	0
Attending to get same signed	0	6	8
Copies of summonses for service	0	3	0
Service thereof on Dr. S.	0	5	0
Attending at —, serving proprietor	0	10	0
The like on Dr. B.	0	10	0
Attending, at, &c., engaging room to hold Inquiry	0	13	4
Coach hire	0	2	6
Attending Petitioner, taking particulars of his evidence, and making appointment to attend Inquiry	0	6	8
Attending attendant at asylum as to evidence on Inquiry	0	6	8
Brief copy affidavits, for use on Inquiry, four sheets	0	13	4
Attending Inquiry at S. N., self and clerk	3	3	0
Paid for room	2	3	6
Cab hire	0	7	6
Drawing and engrossing inquisition, and copy for signature	1	0	0
Paid parchment for ditto, precept, &c.	0	5	8
Writing Mr. O. the result	0	5	0
Summons on preparing report	0	2	6
Paid for copy draft report	0	3	0
Close copy	0	8	0
Writing Secretary of Lunatic's visitors, with necessary particulars	0	5	0
Drawing consent, and fair copy to act as a Committee of the person, and to visit Lunatic	0	5	0
Drawing and engrossing affidavit verifying signature	0	4	0
Writing Mr. O. therewith	0	5	0
Writing Mr. P. to make affidavit as to fitness of Mr. O.	0	3	6
Having received his assent, instructions for affidavit	0	6	8
Drawing and engrossing	0	4	0
Instructions for affidavit of Mr. C., as to fitness of both Committees	0	6	8
Drawing and engrossing	0	5	4
Writing him therewith	0	5	0
Paid oath	0	2	6
Instructions for affidavit of Mr. V., as to fitness of Petitioner as Committee of estate	0	6	8
Drawing and engrossing it	0	4	0
Attending to Mr. P. to be sworn to affidavit and oath	0	9	2
Summons to settle report, copy, and service	0	2	6
Attending Mr. V. to be sworn to affidavit	0	6	8
Summons on leaving affidavit	0	2	6

	£	s.	d.
Attending same	0	6	8
Another summons, to justify	0	2	6
Attending thereon	0	6	8
Paid for copy consequential directions, fol. 10	0	1	3
Close copy	0	3	4
Another summons to settle report, copy, and service	0	2	6
Writing Petitioner, as to proposed allowance for maintenance, &c.	0	5	0
Attending summons to settle draft report	0	6	8
Another summons to justify	0	2	6
Attending thereon, report finally settled, subject to production of account signed, showing amount due for past maintenance	0	6	8
Preparing account accordingly, and fair copy	0	10	0
Writing therewith	0	5	0
Attending Petitioner when he signed account, and arranging as to completing his appointment as Committee	0	6	8
Paid stamp on report	1	0	0
Summons to sign, copy, and service	0	2	6
Attending examining same	0	6	8
Attending to bespeak, and obtain office copy	0	6	8
Paid	0	6	1
Paid for minutes	0	2	6
Close copy	0	6	0
Attending settling	0	6	8
Paid stamp on order	2	0	0
Attending examining, and passing same	0	6	8
Writing Committee of estate for names of sureties	0	5	0
Having received reply, attending Mr. V. as to becoming surety	0	6	8
Writing Mr. C. asking him to become one	0	5	0
Attending to bespeak office copy order for Bank	0	6	8
Paid same	0	2	4
Attending to bespeak directions for transfer into Court, and to obtain same, and to lodge them at Bank... ..	0	13	4
The like for payment of dividends into Court	0	13	4
Drawing out minute as to security, and fair copy	0	6	8
Attending to bespeak bond	0	6	8
Paid same, stamp, &c.	1	17	6
Filling up, &c., affidavits as to sufficiency of sureties	0	12	0
Attending Mr. C. to be sworn, and oath	0	8	2
Attending Mr. V., reading over affidavit, and to be sworn	0	6	8
Writing Committee, with bond, and instructions for execution	0	5	0
Filling up, &c., affidavit verifying execution	0	4	0
Agent's charges, attesting bond, &c.	0	15	2
Attending execution of bond by Mr. V.	0	6	8
The like Mr. C.	0	6	8
Affidavit verifying execution, &c.	0	4	0
Attending to be sworn	0	6	0

COSTS IN LUNACY.

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	£	s.	d.
Paid stamp on certificate of completion	1	0	0
Attending to bespeak and obtain office copy	0	6	8
Paid for office copy	0	0	10
Attending to bespeak and obtain power	0	6	8
Paid	1	13	6
Writing therewith for execution, &c.	0	5	0
Agent's charges	0	15	2
Attending to lodge power of attorney with Accountant General ...	0	6	8
Attending to obtain B. P. bill to remit	0	6	8
Copy order for Taxing Master	0	2	6
Attending for name rotation Taxing Master	0	6	8
Drawing bill of costs and copy	1	8	0
Summons on leaving, and to tax	0	5	0
Attending	0	13	4
Paid for certificate	1	2	0
Attending filing, and for office copy	0	6	8
Paid	0	2	0
Drawing request to Accountant General to invest cash	0	2	6
Attending to bespeak investment	0	6	8
Letters, &c.	1	1	0
Paid witnesses as under			
Dr. S. (private physician)	£5	5	0
Dr. B. (physician at asylum)	2	2	0
Mr. S. (medical attendant)	2	2	0
Mr. L. (attendant)	1	1	0
		10	10
			0
Total	£72	8	10

No. 3.

IN LUNACY.

In the matter of M. E. L., Spinster, a person of unsound mind.

The Bill of Costs, Charges, and Expenses of —, incurred in obtaining the Inquiry in this matter, and consequent thereon, to be taxed, &c.

[Insert dates.]

	£	s.	d.
Instructions for Petition for Inquiry	0	6	8
Drawing and engrossing same	0	6	8
Attending — as to evidence in support	0	6	8
Writing to medical attendant of Lunatic, for particulars of her state of mind, &c.	0	5	0
Writing also to Mr. F. thereon	0	3	6
The like to Mr. D.	0	3	6
Long attendance on ditto, and instructions for affidavit	0	6	8
Drawing and engrossing same	0	6	8

	£	s.	d.
Writing Mr. G., as to Lunatic's malady	0	3	6
Instructions for his affidavit	0	6	8
Drawing and engrossing same	0	4	0
Writing him therewith	0	3	6
Writing M. A., with his charges for certificate, &c.	0	3	7
Paid same	1	1	0
Attending Mr. G., reading over affidavit, and with him to be sworn	0	6	8
Paid his fee	1	1	0
Instructions for affidavit of Mr. H., surgeon	0	6	8
Drawing same	0	4	0
Attending Mr. D. on swearing affidavit	0	6	8
Writing to Petitioner, with Petition for signature	0	3	6
Attending Solicitor of Capt. S., as to Lunatic's interest in, &c. ...	0	6	8
Engrossing affidavit of Mr. H.	0	1	4
Attending him to be sworn	0	6	8
Paid his fee	1	1	0
Instructions for affidavit of Petitioner as to Lunatic's fortune ...	0	6	8
Drawing and engrossing same	0	8	0
Writing Dr. M. as to will of relative, under which Lunatic			
interested	0	3	6
Attending —, as to dividend in arrear, and receipt, &c. ...	0	6	8
Writing Petitioner, with full instructions as to swearing affidavit,			
&c.	0	5	0
Attending to present Petition	0	6	8
Drawing notice of presentation, and endorsing same on copy ...	0	5	0
Fair copy Petition for service on Lunatic	0	2	4
Writing to M. D. as to service thereof	0	3	6
Attending at —, serving same accordingly	1	1	0
Paid coach hire and expenses	0	10	0
Drawing and engrossing affidavit of service	0	5	0
Paid stamp on Fiat	2	0	0
Attending thereon	0	6	8
Paid office copies of affidavits, &c.	0	10	2
Attending Master with Fiat and affidavits	0	6	8
Subsequently attending for appointment to hold the Inquiry ...	0	6	8
Drawing and engrossing precept for same and parchment ...	0	11	0
Attending Master for signature thereto	0	6	8
Attending obtaining subpoenas	0	6	8
Copies and service at H. (4), and arranging for Inquiry	1	0	0
Paid coach hire and expenses	0	10	0
Fair copy medical certificates, &c., for use on Inquiry	0	10	0
Attending Inquiry at H., Miss M. found to be of unsound mind ...	3	3	0
Paid coach hire and expenses	1	1	0
Paid witnesses (two surgeons and two others)	6	6	0
Paid expenses of M. D. to London several times	0	10	0
Drawing and engrossing inquisition	0	10	0

	£	s.	d.
Paid parchment	0	2	6
Attending filing	0	6	8
Writing to Petitioner as to result of Inquiry	0	3	6
Drawing proposal for Committee, &c., &c.	0	8	0
Instructions for affidavit of Petitioner in support	0	6	8
Drawing, &c., same	0	15	0
Writing deponent thereon	0	5	0
Writing to —, as to will of J. S.	0	3	6
Writing also to D. M., as to another will	0	3	6
Writing to Dr. H., as to settlement under which Lunatic interested	0	3	6
Attending him thereon	0	6	8
Engrossing affidavit of Dr. M.	0	5	0
Writing him therewith	0	3	6
Summons (2) to proceed	0	5	0
Writing to M. D., to enable me to answer Visitors' inquiries	0	3	6
Attending Solicitor of J. S., as to his will, &c.	0	6	8
Service of summons on him	0	2	6
Filling up return to Board of Visitors	0	3	4
Attending Master on proposal	0	6	8
Paid Mr. D. attending to produce documents	0	13	4
Instructions for affidavit of Committee's fitness	0	6	8
Drawing, &c., same	0	2	8
Writing Dr. M. therewith and thereon	0	3	6
Summonses on leaving and to proceed	0	5	0
Attending same	0	6	8
Attending Dr. H. with settlement	0	6	8
Writing to Dr. M. with will	0	3	6
Summons on preparing report	0	2	6
Paid copy draft report	0	9	8
Close copy	0	9	8
Summonses (2) to settle	0	5	0
Attending same	0	13	4
Summons to sign	0	2	6
Attending signing	0	6	8
Paid stamp on report £1, and on Fiat £2	3	0	0
Attending thereon	0	6	8
Attending for office copy report and for Fiat	0	6	8
Paid office copy	0	5	0
Writing to approved Committee for sureties	0	3	6
Drawing minute as to Committee's security	0	5	0
Attending Master thereon	0	6	8
Attending Master for bond and papers afterwards	0	6	8
Paid parchment and duty, &c., on bond	0	19	2
Filling up and completing two affidavits of execution	0	10	0
Writing to Committee, instructing him thereon	0	5	0
Paid charges (country), swearing affidavit, &c.	0	10	0

	£	s.	d.
Filling up, &c., affidavit of sufficiency of sureties	0	10	8
Writing to W. M., instructing him as to execution of bond, &c.	0	5	0
Paid office copy report and order for Bank	0	5	0
Attending at Bank with same, for transfer of funds into Court ...	0	6	8
Attending Bank Solicitors as to same	0	6	8
Attending completing transfers	0	6	8
Paid their charges	0	6	8
Paid broker	0	7	6
Attending Consols office as to transfer	0	6	8
Attending Solicitors thereon	0	6	8
Attending completing transfer	0	6	8
Paid Solicitor's charges	0	6	8
Paid broker's charges	0	5	9
Attending Accountant General as to dividends	0	6	8
Attending Bank with directions thereon	0	6	8
Paid office copy receipt	0	1	8
Drawing notice as to cash at Banker's	0	10	0
Writing to W. M., with instructions thereon	0	5	0
Drawing notice as to trust funds	0	12	0
Attending executors, serving them therewith	0	13	4
Drawing notice as to trust funds under settlement	0	12	0
Attending Dr. H., and serving him therewith	0	6	8
Attending and serving Mr. P. A., ditto	0	6	8
Drawing and engrossing affidavit of service	0	4	4
Attending Master therewith and Banker's book	0	6	8
Attending to bespeak certificate of completion	0	6	8
Paid stamp thereon	1	0	0
Attending Master thereon	0	6	8
Attending filing and for office copy	0	6	8
Paid for same	0	0	7
Paid Solicitor of J. S. his charges for furnishing information, &c.	1	1	0
Copy report and order Taxing Master	0	12	8
Attending to get Rotation Master marked	0	6	8
Drawing costs and copy	1	4	0
Summons—leaving and taxing—copies and service	0	7	6
Attending taxing	0	13	4
Paid stamp and transcript certificate	1	2	0
Attending filing, and office copy	0	6	8
Paid for same	0	2	0
Letters, messengers, &c.	2	2	0
Total	£66	19	3

No. 4.

IN LUNACY.

In the matter of W. M., a person of unsound mind.

The Bill of Costs, &c., of R. M., &c., of obtaining an Inquiry in Lunacy,
and of subsequent proceedings, to be taxed pursuant, &c.

	£	s.	d.
[Insert dates.]			
Caveat against any Order, &c.	0	2	6
Attending thereon	0	6	8
Attending asylum for copy Order, &c., on which alleged Lunatic admitted... ..	0	6	8
Attending proposed Petitioners, and taking instructions	0	6	8
Drawing and engrossing Petition	0	10	0
Fair copy, with endorsement, to serve on Lunatic	0	2	8
Attending Petitioners (three parties) attesting signatures to Petition	1	0	0
Instructions for affidavit of Petitioners in support	0	6	8
Drawing and engrossing same	0	16	0
Attending deponent, and oath	0	9	2
Instructions for affidavit of physician	0	6	8
Drawing and engrossing, 5s. 4d.; attending, 6s. 8d.; oath, 2s. 6d.	0	14	6
The like charges for another affidavit	1	1	2
Paid copies of the three affidavits	0	2	11
Carriage of parcel, with papers, to London	0	3	2
Attending presenting Petition, and for same answered	0	6	8
Attending and serving Lunatic with Petition, &c.	0	10	0
Affidavit of service, 6s.; oath, 2s. 6d.; office copy, 11d.	0	9	5
Attending Registrar with affidavit, and for Fiat	0	6	8
Paid stamp on Fiat	2	0	0
Several attendances on Masters in Lunacy with Fiat, &c., and at asylum, making arrangements for Inquiry	1	6	8
Precept for Inquiry	0	2	0
Attending Master, procuring his signature thereto	0	6	8
Attending Master for signature to subpoenas	0	6	8
Copies and service on six witnesses	1	10	0
Attending the Inquiry at the asylum, &c.,	2	2	0
Attending at asylum for information, in answer to inquiries of the Board of Visitors, and attending them therewith and thereon	0	13	4
Paid witnesses on attending to give evidence on Inquiry—two phy- sicians, £4 4s., and three others, £1 11s. 6d.	5	15	6
Copy draft report	0	15	8
Close copy	0	15	8
Summonses to prepare and settle, copy and service	0	5	0
Attending settling	0	6	8
Attendance on Master, as to obtaining Committee, &c.	0	6	8
Attending Bankers, as to paying money in their hands into Court	0	6	8

	£	s.	d.
Subsequent attendances on them and on the Master, as to the matter, and as to obtaining funds for the Lunatic's maintenance	0	13	4
Drawing account required by Master	0	2	0
Drawing proposal of Bankers, to pay in money	0	2	0
Attending Master for certificate thereon	0	6	8
Paid stamp thereon, and office copy	1	0	10
Attending Accountant General for directions	0	6	8
Attending Bankers, instructing them to pay money	0	6	8
Instructions for Petitioner's affidavit as to fortune	0	6	8
Drawing and engrossing same	0	13	4
Attending deponent to be sworn, and oath	0	9	2
Summons on leaving, copy and service	0	2	6
Drawing proposal for Committees	0	4	8
Instructions for affidavit as to inability, &c., to give security, &c.	0	6	8
Drawing and engrossing, 10s. 8d.; attending, 6s. 8d.; 2 oaths, 5s.	1	2	4
Instructions for affidavit as to fitness of Committee, 6s. 8d.; drawing, &c., 5s. 4d.; attending deponents, 6s. 8d.; 2 oaths, 5s.	1	3	8
The like charges for another affidavit	1	3	8
Drawing Committee's consent to act	0	4	0
Attending procuring signature thereto	0	6	8
Drawing consent of Committee of person, and attending him thereon	0	10	8
Carriage of parcel with Lunatic's deeds	0	3	6
Summons on leaving facts, copy, and service	0	2	6
The like to proceed	0	2	6
Attending	0	6	8
Drawing request to invest money	0	2	6
Attending A. G. thereon	0	6	8
Writing to physician as to amount due to him	0	3	6
Summons to settle Report, and service	0	2	6
The like on two other parties	0	5	0
Affidavit of service and oath	0	8	6
Copy summons for service on another party, and affidavit of service	0	5	0
Letter to Mr. P., as to service and attending him	0	6	10
Paid his charges	0	18	8
Writing to —, in reply to inquiry as to same	0	3	6
Attending, &c., for information, to answer inquiries of Master	0	6	8
Attending settling Report	0	6	8
Paid stamp thereon	1	0	0
Summons to sign, copy, and service	0	2	6
Attending same	0	6	8
Paid stamp on Fiat	2	0	0
Paid office copy Report and Fiat	0	6	3
Instructions for and completing affidavit of sufficiency of sureties, and attending, 2 oaths, &c.	1	2	4
Bond of Committee and sureties, and duty	1	11	8
Attending Committee and sureties on the execution of the bond	0	13	4

	£	s.	d.
Affidavit of execution, 6s. 8d.; oaths and exhibit, 5s.	0	11	8
Attending Master with bond, &c., and bespeaking certificate	0	6	8
Paid stamp on certificate of completion	1	0	0
Paid office copy	0	0	7
Attending, as to sale of stock, certificate, and draft of A. G.	0	13	4
Copy Order for Taxing Master	0	15	8
Drawing costs and copy	1	2	8
Warrant on leaving copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	13	4
Paid stamp and transcript	1	2	0
Attending filing and office copy	0	6	8
Paid same	0	2	0
Affidavit of residue	0	4	0
Attending, 6s. 8d.; oath and filing, 4s.	0	10	8
Attending for certificate of sale of residue	0	6	8
Attending bespeaking sale	0	6	8
Attending bespeaking power of attorney	0	6	8
Paid for same	1	14	6
Attending Committee on executing same	0	6	8
Attending swearing affidavit, oath, and exhibit	0	11	8
Attending lodging same with A. G., and bespeaking draft	0	6	8
Attending receiving the amount for the Committee	0	6	8
Writing as to costs of other kin, and affidavit relating thereto	0	18	2
Letters, messengers, &c.	1	7	6
Total	£60	19	6

No. 5.

IN LUNACY.

In the matter of F. C., a person of unsound mind.

Bill of Costs of Petitioner of Obtaining and Prosecuting the Order for Inquiry and subsequent proceedings, to be taxed, &c.

	£	s.	d.
[Insert dates.]			
Attending, &c., P. C., as to the case of, &c., and instructions for			
Petition	0	13	4
Drawing same, &c.	0	3	4
Attending and attesting signature	0	6	8
Writing Mr. B. as to evidence, &c.	0	3	7
Instructions for his affidavit	0	6	8
Drawing and engrossing same	0	5	4
Instructions for affidavit of Dr. H.	0	6	8
Drawing and engrossing same	0	4	0

	£	s.	d.
Attending Dr. H. to be sworn, &c.	0	13	4
Oaths	0	5	0
Instructions for affidavit as to family	0	6	8
Drawing same, 4s.; engrossing, 1s. 4d.; attending, 6s. 8d. ...	0	12	0
Oath, 2s. 6d.; postage, 6d.	0	3	0
Presenting Petition, 6s. 8d.; copy to file, 1s.	0	7	8
Drawing notice to endorse	0	5	0
Fair copy Petition and endorsing notice, &c.	0	6	8
Journey to G. H. to serve same	1	1	0
Coach-hire, &c.	0	12	6
Affidavit of service, 6s.; oath 2s. 6d.	0	8	6
Attending Dr. S. as to affidavit	0	6	8
Attending Mr. P. C. to see Dr. S.	0	5	0
Instructions for affidavit of Dr. S.	0	6	8
Drawing affidavit, 9s.; engrossing, 3s. 4d.	0	12	4
Oath, 2s. 6d.; and attending deponent, 6s. 8d.	0	9	2
Copy affidavit S. O., &c.	0	3	4
Attending Registrar on Petition	0	6	8
Paid for stamp on Order of Inquiry	2	0	0
Close copy Order	0	2	0
Attending Master in Lunacy as to opening Inquiry	0	6	8
Summons to witness, and attending to get same signed ...	0	13	4
Drawing, &c., precept to Sheriff	0	10	0
Parchment	0	2	0
Attending signing and sealing same	0	6	8
Attending Petitioner as to day for Inquiry	0	6	8
Subpoena and service on Dr. S.	0	5	0
The like, two other witnesses	0	3	0
Journey to G. H. to serve witnesses	0	12	0
Coach-hire	0	10	0
Journey to G. H. to attend Inquiry	2	2	0
Coach-hire	1	0	0
Dr. S. as witness—fee	7	7	0
Drawing inquisition	1	0	0
Parchment	0	5	0
Fair copy, 6s. 8d.; engrossing, 13s. 4d.	1	0	0
Attending Mr. B. as to maintenance	0	6	8
Letters	0	5	0
Drawing state of facts, and fair copy	0	16	8
Postage	0	0	4
Instructions for affidavit in support	0	6	8
Drawing, &c., 25s.; engrossing, 8s. 4d.	1	13	4
Attending P. C., reading over, &c.	0	6	8
Oath	0	2	6
Instructions for affidavit of Mr. M.	0	6	8
Drawing, &c., same, 4s.; attending, 6s. 8d.; oath, 2s. 6d. ...	0	13	2

	£	s.	d.
Instructions for affidavit of W. P. as to character of proposed Committee	0	6	8
Drawing and engrossing	0	5	0
Writing to P. C., with instructions, postage, &c.	0	4	6
Searching marriage certificate of Mr. J. M. C.	0	6	8
Paid same	0	3	6
Copy and service summons on leaving	0	2	6
The like to proceed	0	2	6
Letters	0	5	0
Agent's attending summons on facts, &c.	0	6	8
Further attendance thereon	0	6	8
Instructions for affidavit in support	0	6	8
Drawing, £1; engrossing, 6s. 8d.	1	6	8
Attending deponent, &c., 6s. 8d.; oath, 2s. 6d.	0	9	2
Summons leaving, &c.	0	2	6
The like to proceed	0	2	6
Attending summons to proceed	0	6	8
Copy draft report	0	4	6
Close copy	0	11	0
Summons and service to proceed	0	5	0
Attending same, &c., to settle report	0	13	4
Summons to sign report and service	0	2	6
Attending same	0	6	8
Paid stamp on report	1	0	0
Letters	0	5	0
Attending Registrar on report and Fiat	0	6	8
The like—further	0	6	8
Stamp on Fiat	2	0	0
Paid office copy report	0	4	11
Attending P. C. as to payments directed into Court	0	6	8
Attending Accountant General thereon	0	6	8
Ditto ditto further	0	6	8
Ditto trustees' solicitor thereon	0	6	8
Attending Accountant General and at Bank as to transfers	1	0	0
Paid office copy certificate	0	0	6
Drawing request to invest cash	0	2	6
Attending Accountant General thereon	0	6	8
Copy letter of Mr. S.	0	1	0
Attending Master as to report to be obtained	0	6	8
Attending Mr. S. as to transfer of stock	0	6	8
Paid Mr. S.'s charges for effecting same	11	3	7
Office copy certificate of transfer	0	1	0
Attending Petitioner as to sureties	0	6	8
Paid bond, &c.	1	1	8
Attending for same	0	6	8
Attending Committee and sureties on execution of bond	0	13	4

	£	s.	d.
Preparing affidavits of due execution	0	6	8
Attending to be sworn, 13s. 4d. ; oaths and exhibits, 6s. ...	0	19	4
Attending Master's office as to certificate of completion of security	0	6	8
Paid stamp thereon	1	0	0
Instructions for affidavit of Mr. S. as to dividends	0	6	8
Drawing and engrossing same	0	5	4
Writing Mr. S. thereon	0	3	6
Paid office copy	0	0	7
Attending the Accountant General as to the amount to be paid in	0	6	8
Paid office copy receipt	0	0	6
Attending Registrar on filing certificate of completion of security	0	6	8
Paid office copy	0	0	7
Letters	0	5	0
Drawing directions for power of attorney	0	2	6
Attending Accountant General therewith	0	6	8
Paid for power of attorney	1	3	6
Attending reading over same, and attesting execution	0	13	4
Attending to be sworn	0	6	8
Paid oaths and exhibits	0	4	6
Attending Accountant General with power, executed, &c. ...	0	6	8
Attending him receiving draft	0	6	8
Copy order for Taxing Master	0	6	8
Drawing costs	1	6	8
Warrant on leaving, copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	13	4
Paid for certificate	1	2	0
Attending filing, &c.	0	6	8
Paid copy	0	2	0
Attending Master for directions for sale	0	6	8
Attending Accountant General for cheque	0	6	8
Letters, &c.	1	5	0
Total ...	£76	3	9

COSTS OF NEXT OF KIN.

IN LUNACY.

In the matter of F. C., &c.

Bill of costs of, &c., to be taxed, pursuant to, &c.

	£	s.	d.
Attending to proceed on facts	0	6	8
Ditto ditto further	0	6	8
Ditto on report—settled	0	13	4

COSTS IN LUNACY.

221

	£	s.	d.
Attending on signing report	0	6	8
Drawing costs and copy	0	3	4
Warrant on leaving copy, &c.	0	2	6
Ditto to tax	0	2	6
Attending taxing	0	6	8
Attending taxing Petitioner's and Committee's costs	0	13	4
Letters	0	10	0
Total ...	£3	11	8

SUMMARY.

	£	s.	d.
Petitioner's costs	76	3	9
Kin's ditto	3	11	8
Total ...	£79	15	5

No. 6.

IN LUNACY.

In the matter, &c.

BILL OF COSTS OF PETITIONERS FOR OBTAINING INQUIRY, ETC.,

TO BE TAXED, ETC.

Term 185—.

185—.	£	s.	d.
<i>Dec.</i> —Attending, &c., under will, &c., as to trust estate, and interest of, &c.	0	13	4
Attending executors again, and advising with them when they instructed us to take Counsel's opinion on, &c.	0	6	8
Attending Mr. — to procure particulars of trust estate, and procuring same	1	1	0
Examining various accounts, and comparing same with, &c.	0	13	4
Drawing and fair copy case for Counsel	1	10	0
Attending Mr. — therewith for his opinion	0	6	8
Fee to him and clerk	2	4	6
Close copy opinion	0	1	4
Perusing and considering Counsel's opinion, and attending, &c.	0	13	4
Drawing and engrossing Petition for Inquiry	0	10	0
<i>20th.</i> —Attending Messrs. —, as to examination of alleged Lunatic	0	6	8
Writing to — thereon	0	5	0
Writing to —, fixing day, &c.	0	3	6

	£.	s.	d.
Attending —, informing them thereof	0	6	8
Attending — as to such examination	0	6	8
The like, Mr. —, surgeon	0	6	8
Attending at —, when examination made	1	1	0
Instructions for affidavit of Mr. — in support of Petition ...	0	6	8
Drawing same, fol. 5	0	5	0
Engrossing same	0	1	8
Attending deponent and to be sworn	0	6	8
Paid oath	0	2	6
Instructions for affidavit of — in support	0	6	8
Drawing and engrossing same, fol. 7	0	9	4
Attending him — and to be sworn	0	6	8
Paid oath	0	2	6
Attending, consulting, and conferring with, &c.	0	6	8
Letter to —, thereon —, &c.	0	5	0
Afterwards attending Mr. — as to kindred of alleged Lunatic	0	6	8
Attending Mr. — in conference on proceedings generally ...	0	6	8
Drawing same, fol. 7	0	7	0
Journey to —, conferring as to family	2	2	0
Paid railway and expenses	0	15	0
Engrossing final affidavit	0	2	4
Attending Mr. W., reading over same, and to be sworn ...	0	6	8
Paid fees on swearing same	0	6	0
Preparing pedigree and copy for Master	0	12	10
Attending W. B. as to alleged Lunatic's fortune, and examining accounts, &c., and instructions for his affidavit	0	6	8
Drawing and engrossing same, fol. 16	1	1	4
Attending deponent to be sworn, &c., and oath	0	9	2
Attending Mr. — to be sworn, and oath	0	9	2
Attending Messrs. — to sign Petition	0	13	4
Fair copy Petition for service on alleged Lunatic	0	2	4
Attending to present Petition	0	6	8
Journey to — to serve Petition on alleged Lunatic	1	1	0
Paid railway and expenses	1	5	0
Drawing and engrossing affidavit of service	0	8	0
Paid oath	0	2	6
Letters	0	5	0

EASTER TERM.

Attending Registrar for Order	0	6	8
Attending him again thereon, and obtaining Order	0	6	8
Paid for same	2	0	0
Paid for office copy affidavits	0	6	3
Attending Master with Fiat and evidence	0	6	8
Copy order to keep	0	2	0

	£	s.	d.
Attending at Masters' office to-day as requested for appointment to make Inquiry	0	6	8
Letter to — informing him of appointment	0	3	6
Drawing and engrossing summonses to witnesses, and attending to get same signed	0	13	4
Drawing and engrossing precept	0	10	0
Parchment	0	2	0
Attending Master for inquisition thereto	0	6	8
Drawing inquisition	1	0	0
Fair copy, 6s. 8d.; engrossing, 13s. 4d.; parchment, 3s.	1	3	0
Close copy Order	0	2	8
Instructions for, and drawing Brief	3	1	0
Service of subpoena on Dr. F.	0	5	0
Paid him with same	1	1	0
The like on M. A.	0	5	0
Paid him	1	1	0
Attending Inquiry before Master Warren, when Lunacy affirmed Letters, &c.	2	2	0
	0	5	0

TRINITY TERM.

Drawing state of facts and proposal, fol. 30	1	0	0
Instructions for affidavit of — as to pedigree	0	6	8
Drawing same	0	6	0
Instructions for affidavit of —	0	6	8
Drawing same	0	5	0
Instructions for affidavit of —, as to kindred	0	6	8
Drawing same	0	3	0
Instructions for affidavit of —	0	6	8
Drawing same	0	3	0
Drawing affidavit of, &c.	0	14	0
Drawing affidavit of, &c.	0	4	0
Instructions for affidavit of, &c., as to fitness of proposed Committee	0	6	8
Drawing same	0	4	0
Drawing two consents to act	0	5	0
Engrossing affidavit of Mr. A.	0	2	0
Attending him thereon, and to be sworn, and oath	0	9	2
Engrossing affidavit of —	0	1	0
Attending him, &c., and to be sworn, and oath	0	9	2
Engrossing affidavit of, &c.	0	1	8
Writing to —, with instructions to swear same	0	3	6
Paid oath	0	2	6
Instructions for affidavit of —, verifying signature, &c., to, &c... ..	0	6	8
Drawing and engrossing same	0	4	0
Writing and instructing — thereon	0	5	0

	£	s.	d.
Commissioner's charges	0	5	9
Engrossing affidavit of, &c.	0	1	0
Attending deponent, &c., and oath	0	9	2
Engrossing affidavit of, &c., as to fortune	0	4	8
Instructions for affidavit of —, as to—	0	6	8
Drawing and engrossing same	0	4	0
Attending deponent and oath	0	9	2
Engrossing affidavit of —, as to Committee of Estate, 1s. 4d.; attending, 6s. 8d.; oath, 2s. 6d.	0	10	6
Engrossing affidavit of —, as to fitness of Committee of Person... ..	0	1	4
Attending deponent and oath	0	9	2
Summons to proceed, copy, and service	0	2	6
The like	0	2	6
Letters, &c.	0	5	0
Attending Master on proposal, &c.	0	6	8
Drawing undertaking of Committee	0	5	0
Writing with instructions thereon	0	3	6
Summons to proceed, &c.	0	2	6
Attending thereon	0	6	8
Instructions for affidavit by next of kin in support of proposal as to Committee	0	6	8
Drawing same, fol. 5	0	5	0
Attending Mr. — with affidavit, &c.; engrossing same, 1s. 8d.; attending deponent, 6s. 8d.; oath, 2s. 6d.	0	10	10
Writing to Mr. W., with affidavit and instructions	0	3	8
Paid Commissioner's charges thereon	0	12	10
Copy general report, and stamp	1	6	0
Close copy	0	14	8
Writing to one of kindred, with affidavit, and on whole matter	0	5	0
Paid Commissioner's charges thereon	0	15	4
Writing visitors of Lunatics in reply to inquiries	0	3	6
Writing one of kin as to her appearance before Master on settling report	0	5	0
The like another of kin	0	5	0
Mr. B. on behalf of kindred having required information, copy statement and proposal, and of draft report	1	2	0
Writing thereon	0	3	6
Letters	0	5	0

HILARY TERM.

Agent copying letter of Mr. B. as to kindred's attendance free of expense	0	2	0
Paid his charges	8	15	0
Writing him therewith	0	3	6
Summons on preparing report	0	2	6
Summons on leaving affidavit of, &c.	0	2	6

	£	s.	d.
Summons to settle report	0	2	6
Agent's attending thereon, same settled	0	13	4
Summons to sign	0	2	6
Attending same	0	6	8
Attending Registrar for Fiat on report	0	6	8
Paid office copy	0	6	1
Paid stamp on Order	2	0	0
Attending Mr. — as to sureties	0	6	8
Proposal thereon	0	6	8
Attending Master thereon, when security fixed	0	6	8
Bond, stamp, and parchment	2	4	8
Affidavits of sufficiency of sureties	1	1	4
Attending parties on execution of bond	1	0	0
Attending sureties on affidavits of sufficiency	0	13	4
Paid oaths	0	5	0
Attending deponent as to execution of bond	0	6	8
Oath	0	2	6
Stamp on certificate of completion of security	1	0	0
Attending thereon	0	6	8
Filing and office copy	0	6	8
Paid same	0	0	7
Drawing this bill and copy	1	14	8
Copy Order for Taxing Master	0	15	4
Attending for reference	0	6	8
Summonses on leaving and proceeding	0	5	0
Attending taxing	1	0	0
Paid certificate and transcribing	1	2	0
Attending to file, and for office copy	0	6	8
Paid office copy	0	2	0
Letters, &c., during proceedings	3	3	0
Various attendances on Mr. B., and others during proceedings, not otherwise charged	2	2	0
Total	£87	17	1

IN LUNACY.

In the matter of A. M., a person of unsound mind.

Costs of next of kin to be taxed, &c.

18—.	£	s.	d.
Jan.—Having received notice of settlement of draft report, attending next of kin thereon	0	6	8
Attending appointment to settle, &c.	0	6	8

	£	s.	d.
Subsequent attendances	0	13	4
Drawing costs and copy	0	2	8
Warrant on leaving and to proceed	0	5	0
Attending thereon	0	6	8
Attending taxing costs of Petitioners	1	0	0
Letters, &c.	0	10	0
Total	£3	11	0

SUMMARY.

	£	s.	d.
Petitioner's costs	87	17	1
Kin's costs	3	11	0
Total	£91	8	1

COSTS OF COMMITTEE OF OBTAINING TRANSFER OF STOCK FROM A CAUSE TO THE LUNACY.

*In the matter of C. T., a person of unsound mind,
And between L. O., Plaintiff, and, &c., Defendants.*

Bill of Costs, &c., of Petitioner, G. O., under Order, &c.

[Insert dates.]

	£	s.	d.
Instructions for Petition to Lord Chancellor for transfer, &c., of funds into Court, and for consequential directions, the Trustees of Lunatic's marriage settlement declining to act without Order	0	6	8
Drawing same, and copy, fol. 44	2	4	0
Engrossing	0	14	8
Copy for the Lord Chancellor	0	14	8
Attending	0	6	8
Making three copies for service	2	4	0
Three services thereof	0	7	6
Making copy for Counsel, 5 B. S.	0	16	8
Mr. P. W., with Brief	1	3	6
Attending him	0	6	8
Attending Court—Order made	0	13	4
Minutes, 3s. 6d.; close copy, 7s. 6d.	0	11	0
Attending settling Minutes	0	6	8
Stamp on Order	2	0	0

	£	s.	d.
Attending passing	0	6	8
Affidavit of amount necessary to be sold for raising the £300 mentioned in Order, and oath	0	4	10
Filing	0	1	0
Directions for sale	0	2	6
Attending	0	13	4
Paid certificate of sale	0	1	4
Attending for sale for costs	0	13	4
Attending parties to identify them	0	13	4
Copy Order for the Master	0	5	0
Bill of costs and copy, fol. 6	0	4	0
Warrant on leaving	0	2	6
Warrant to tax	0	2	6
Attending	0	6	8
Attending taxing Plaintiff's costs	0	6	8
Attending taxing Defendants' costs	0	6	8
Attending taxing next of kin's costs	0	6	8
Letters, &c.	0	5	0
Total	£17	18	0

COSTS OF NEXT OF KIN OF OBTAINING A TRANSFER OF STOCK FROM A CAUSE
TO THE LUNACY.

In the matter of C. T., a person of unsound mind,

And between L. C., Plaintiff, and, &c., Defendants.

Bill of Costs of Mr. C., for next of kin of Lunatic, under Order, &c.

[Insert dates.]

	£	s.	d.
A Petition having been served on next of kin of Lunatic, for transfer of funds in hands of trustees of Lunatic's settlement, making copy for Counsel, 5 B. S.	0	16	8
Mr. D. with Brief	1	3	6
Attending him	0	6	8
Attending Court—Order made	0	13	4
Minutes, 3s. 6d. ; close copy, 7s. 6d.	0	11	0
Attending settling Minutes	0	6	8
Attending passing Order	0	6	8
Bill of costs and copy, fol. 5	0	3	4
Warrant on leaving, copy and service	0	2	6
Warrant to tax	0	2	6
Attending same	0	6	8
Attending taxing costs of Petitioner	0	6	8

	£	s.	d.
Attending taxing costs of Plaintiff	0	6	8
Attending taxing costs of Defendant	0	6	8
Letters, &c.	0	5	0
Total	£6	4	6

COSTS OF PLAINTIFF IN SUIT OF OBTAINING A TRANSFER OF STOCK FROM A
CAUSE TO THE LUNACY.

In the matter of C. T., a person of unsound mind,

And between L. C., *Plaintiff,*

And

W. G. and others, *Defendants.*

The Bill of Costs, &c., of Plaintiff, to be taxed, &c.

[<i>Insert dates.</i>]	£	s.	d.
Being served with Petition, making copy for Counsel, 6 B. S. ...	0	16	8
Drawing and copying observations	0	10	0
Attending Mr. — therewith	0	6	8
Paid his fee	2	4	6
Attending Court—Petition heard	0	13	4
Paid for copy Minutes, 3s. 6d.; close copy, 7s. 6d.	0	11	0
Attending settling Minutes	0	6	8
Attending passing Order	0	6	8
Attending Accountant General to bespeak and procure direction to transfer stock into Court	0	6	8
Attending to make appointment to transfer stock	0	6	8
Attending at the Bank of England, and lodging power	0	6	8
Attending making the transfer	0	6	8
Paid broker	1	1	9
Paid private transfer, Mr. — being about to leave Town	0	2	6
Paid his coach hire	0	2	0
Attending Bankers for dividends to be paid into Court	0	6	8
Attending for directions to pay in £——, and afterwards paying in and to file receipt	0	13	4
Drawing affidavit of subsequent dividends	0	5	0
Engrossing	0	1	8
Attending to be sworn, and paid oath	0	8	2
Paid filing and for office copy	0	1	0
Attending for directions to pay in subsequent dividends, and after- wards to pay in and file receipt	0	13	4
Drawing bill of costs and copy, fol. 6	0	4	0
Warrant on leaving, two copies, two services	0	5	0

COSTS IN LUNACY.

229

							£	s.	d.
The like to proceed	...	...	...	...	...	...	0	5	0
Attending thereon	...	...	...	...	...	...	0	6	8
Letters, &c.	...	...	...	...	...	...	0	15	0
Total							£12	13	3

COSTS OF DEFENDANT IN SUIT OF OBTAINING A TRANSFER OF STOCK FROM A CAUSE TO THE LUNACY.

*In the matter of C. T., a person of unsound mind,*And between L. O., *Plaintiff*, andW. G. and others, *Defendants*.

The Bill of Costs of W. G., under Order, &c.

[Insert dates.]

							£	s.	d.
Copy Petition for transfer of funds into Court	...	...	...	...	...	...	0	16	8
Fee to Mr. — and clerk therewith	...	...	...	...	...	...	1	3	6
Attending him	...	...	...	...	...	...	0	6	8
Attending Court—Order made	...	...	...	...	...	...	0	13	4
Paid for copy Minutes, 3s. 6d.; close copy, 7s. 6d.	...	...	...	...	...	...	0	11	0
Attending settling Minutes	...	...	...	...	...	...	0	6	8
Attending passing Order	...	...	...	...	...	...	0	6	8
Attending Mr. — for description of L. O., in bank books and for									
Accountant General's ticket for transfer	...	...	...	...	...	...	0	6	8
Attending to bespeak, and for power	...	...	...	...	...	...	0	6	8
Paid for same	...	...	...	...	...	...	1	1	6
Writing Mr. — therewith for execution	...	...	...	...	...	...	0	3	6
Writing —, informing — of power, and requesting transfer	...	...	...	...	...	...	0	3	6
Drawing bill of costs and copy, fol. 4	...	...	...	...	...	...	0	2	8
Warrant on leaving, two copies and service	...	...	...	...	...	...	0	5	0
Warrant to tax, two copies and service	...	...	...	...	...	...	0	5	0
Attending taxing	...	...	...	...	...	...	0	6	8
Letters and messengers	...	...	...	...	...	...	0	15	0
Total							£8	0	8

COSTS OF COMMITTEES AS TO APPLICATION FOR REPAIRS UNDER GENERAL ORDERS.

In the matter of G. N., Esquire, a Lunatic.

The Bill of Costs of the Committees as to Repairs at &c.

[Insert dates.]

							£	s.	d.
Instructions for affidavit as to repairs	...	...	...	...	...	...	0	6	8
Attending Mr. S., surveyor, instructing him to survey dilapidations, and ascertain cost of repairs	...	...	...	...	...	...	0	6	8

	£	s.	d.
Making fair copy his estimate	0	3	0
Drawing and engrossing affidavit as to repairs, fol. 6	0	8	0
Attending deponents to read over and be sworn	0	6	8
Paid oaths (in the country)	0	5	0
Drawing state of facts and proposal for repairs, fol. 8	0	5	4
Summons on leaving copy and service	0	2	6
The like to proceed	0	2	6
Attending thereon, when Master allowed same without report, contract hereafter to be produced to him	0	6	8
Instructions for contract to perform work	0	6	8
Drawing same, with estimate and fair copy... ..	0	10	0
Attending reading over and attesting execution by builder	0	6	8
Attending instructing surveyor to make fresh survey and estimate	0	6	8
Instructions for affidavit as to further repairs	0	6	8
Drawing and engrossing same and estimate, fol. 20	1	6	8
Writing the builder to attend to be sworn	0	3	6
Paid messenger with letter	0	1	6
Attending Messrs. S. and H. to be sworn, and oaths	0	11	8
Attending Committee, informing him as to repairs	0	6	8
Drawing further state of facts and proposal as to repairs, fol. 6	0	6	0
Summons on leaving same, &c., copy and service	0	2	6
The like to proceed	0	2	6
Attending thereon	0	6	8
Another summons to proceed, copy and service	0	2	6
Attending thereon—same allowed subject to contract	0	6	8
Instructions for contract	0	6	8
Drawing same, and fair copy with estimates, fol. 13	0	13	0
Attending reading over, and attesting execution thereof	0	6	8
Attending Master with contract	0	3	4
Drawing this bill of costs and copy, 9 folios	0	6	0
Summons on leaving, copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	6	8
Paid for copy costs of next of kin, fol. 4	0	0	7
Attending summons taxing	0	6	8
Certificate of taxation	1	2	0
Attending for and to file same	0	6	8
Paid office copy	0	0	11
Letters and messengers	0	10	0
Total	£13	0	8

COSTS OF NEXT OF KIN AS TO APPLICATION FOR REPAIRS UNDER GENERAL ORDERS.

In the matter of G. N., Esquire, a Lunatic.

The Bill of Costs of the Next of Kin, &c., as to repairs, &c.

[Insert dates.]

	£	s.	d.
Paid copy state of facts and proposal for repairs, fol. 8	0	2	8.
The like of affidavit in support, fol. 6	0	2	0
Close copy	0	2	0
Attending summons on facts, when same allowed by Master	0	6	8
Paid copy Committee's amended facts and proposal, fol. 8	0	2	8
The like of affidavit in support, fol. 20	0	6	8
Close copy, fol. 20	0	6	8
Attending summons to proceed thereon	0	6	8
The like when allowed	0	6	8
Drawing this bill of costs and copy, fol. 4	0	2	8
Summons on leaving, copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	6	8
Paid for copy Committee's costs, fol. 9	0	1	3
Attending summons taxing	0	6	8
Letters and messengers	0	5	0
Total	£3	9	11

COSTS OF NEXT OF KIN ON APPOINTMENT OF NEW COMMITTEE OF PERSON AND ESTATE.

No. 1.

IN LUNACY.

In the matter of R. R., a Lunatic.

The Bill of Costs, Charges, and Expenses of W. B. C. C., and C., his wife, also of J. F. H., Committee of Person and Estate of Lunatic, to be taxed pursuant to Order of, &c.

[Insert dates.]

	£	s.	d.
Attending, &c., on death of Mr. J. B., Committee of Person and Estate, and advising thereon, taking instructions, &c. ...	0	6	8
Attending Mr. B., respecting appointment of new Committee, when he requested us to make application for appointment, &c. ...	0	6	8
Attending Mr. H., as to taking the office, when he assented ...	0	6	8
Journey to W., to see son of late Committee, to obtain information relative to late appointment	1	1	0
Paid horse hire	0	8	0

	£	s.	d.
Attending Mr., &c., as to steps taken for appointment of Mr. H...	1	1	0
Paid horse hire, 15 miles	0	15	0
Attending clerk to late Mr. S., Solicitor to late Committee, as to proceedings in Lunacy to enable us to prepare affidavits, &c. .	0	6	8
Drawing state of facts and proposal, and copy for the Masters, fol. 14	0	9	4
Instructions for affidavit of Mr. S.	0	6	8
Drawing same, fol. 6, and copy	0	6	0
Engrossing	0	2	0
Attending him to be sworn, and oath	0	9	2
Instructions for affidavit of Mr. B.	0	6	8
Drawing same, fol. 5, and copy, 5s. ; Engrossing, 1s. 8d. ...	0	6	8
Attending him to be sworn, and oath	0	9	2
Instructions for affidavit of Dr. C.	0	6	8
Drawing same, fol. 6, and copy, 6s. ; engrossing 2s.	0	8	0
Attending Dr. C. to be sworn, and oath	0	9	2
Instructions for affidavit of Mr. H.	0	6	8
Drawing same, fol. 4, and copy, 4s. ; engrossing 1s. 4d. ...	0	5	4
Attending Mr. H. to be sworn, and oath	0	9	2
Instructions for affidavit of the Rev. Mr. L.	0	6	8
Drawing same, fol. 4, and copy, 4s. ; engrossing, 1s. 4d. ...	0	5	4
Attending Mr. L. to be sworn, and oath	0	9	2
Instructions for affidavit of Mr. M.	0	6	8
Drawing same, fol. 4, and copy, 4s. ; engrossing, 1s. 4d. ...	0	5	4
Attending him to be sworn, and oath	0	9	2
Attending at W., searching register for burial of J. B., late Com- mittee	0	13	4
Paid for extract	0	2	6
Paid horse hire, six miles	0	8	0
Instructions for affidavit to verify and identify the extract ...	0	6	8
Drawing same, fol. 5, 5s. ; engrossing, 1s. 8d.	0	6	8
Attending deponent to be sworn	0	6	8
Paid oath and exhibit	0	4	6
Writing Mr. M. as to assent to proposal	0	5	0
Attending Mr. B., Mr. M. having proposed Mr. M. as Committee.	0	6	8
Writing Mr. M., as directed by Mr. B.	0	5	0
Summons on leaving facts and affidavits, copy and service ...	0	2	6
Paid for copy facts and proposal of M. and wife	0	2	0
Paid for copy affidavit of J. B., S. P., W. H. C.	0	3	0
Summons to proceed on facts and proposal, copy and service ...	0	2	6
Attending on proposal of Mr. and Mrs. M., when same disallowed	0	6	8
allowed, subject, &c.	0	6	8
Attending at W— (six miles), searching register for burial of T. B., one of Lunatic's brothers, who had died, &c. ...	1	1	0
Paid for extract	0	2	6

	£	s.	d.
Paid horse hire	0	10	0
Drawing affidavit of Mr. S., fol. 8	0	8	0
Engrossing	0	2	8
Attending him to be sworn, and oath	0	9	2
Attending at the Accountant General's office bespeaking, and after- wards for certificate fund in Court	0	6	8
Summons on leaving affidavit, copy and service	0	2	6
The like to proceed, copy and service	0	2	6
Attending same when proposal finally allowed	0	6	8
Summons on preparing report, copy and service	0	2	6
Attending same	0	6	8
Paid for copy draft report	0	2	4
Close copy	0	5	4
Summons to settle draft report, copy and service	0	2	6
Attending	0	6	8
Warrant to sign	0	2	6
Attending	0	6	8
Paid stamp on report	1	0	0
Several attendances for Fiat on reports, and office copy	0	13	4
Paid for stamp thereon	2	0	0
Drawing Minute of names of Committees, sureties, &c.	0	5	0
Attending thereon and bespeaking bond and affidavits	0	6	8
Writing Committee to appoint him to execute bond	0	3	6
The like Mr. S., one of the sureties	0	3	6
The like to Mr. R., the other surety	0	3	6
Attending Mr. M., the Committee, reading over and attesting bond	0	13	4
Attending the two sureties, reading over affidavit of sufficiency, and with them to be sworn	0	6	8
Paid two oaths	0	5	0
Attending to swear affidavit of execution of bond	0	6	8
Paid oath and exhibit	0	4	6
Attending the Masters with bond and affidavits	0	6	8
Paid stationer for bond and duty	2	2	6
Attending Accountant General with request and affidavits for power	0	6	8
Paid for power of attorney	1	5	6
Attending Committee at G., reading over and attesting power	0	13	4
Paid horse hire, &c. (6 miles)	0	10	0
Attending to swear affidavit of execution, oath and exhibit	0	11	8
Attending Accountant General therewith, bespeaking, &c., cheque	0	6	8
Copy Order for the Taxing Master	0	5	0
Attending to get Order referred	0	6	8
Paid for copy costs of Mr. and Mrs. M.	0	2	6
Attending taxing same	0	6	8
Drawing bill of costs and copy for Master	1	0	0

	£	s.	d.
Summons on leaving	0	2	6
Two summonses to tax, copy and service	0	5	0
Attending same	0	13	4
Paid stamp, &c., certificate of costs	1	0	10
Attending on filing and for office copy	0	6	8
Paid for office copy	0	0	10
Attending Master with Order, &c., and bespeaking certificate of sale	0	6	8
Attending Accountant General therewith bespeaking sale	0	6	8
Paid certificate	0	1	4
Letters, messengers, parcels, &c.	1	0	0
Total	£40	9	2

COSTS OF OTHER NEXT OF KIN ON THE APPOINTMENT OF NEW COMMITTEE.
IN LUNACY.

In the matter of R. R., a Lunatic.

The Bill of costs of W. H., and wife, to be taxed pursuant to Order, &c.

<i>[Insert dates.]</i>	£	s.	d.
Writing Mr. P., Solicitor of Mr. B., deceased Committee, requesting him to obtain certificate of burial and affidavit verifying same	0	3	6
Paid Mr. P.'s charges thereon	2	6	2
Writing Mr. P. explaining nature of office of Committee when he consented to accept same	0	5	0
Instructions for affidavit as to Lunatic's property	0	6	8
Drawing and engrossing same, fol. 4	0	5	4
Attending to swear and oath	0	9	2
Instructions for joint affidavit of J. L. B. and W. H. P.	0	6	8
Drawing and engrossing same, fol. 5	0	6	8
Attending the deponents to be sworn and oaths	0	11	8
Drawing consent to accept Committee'ship	0	2	6
Writing Mr. P. requesting him to obtain his brother's signature	0	3	6
Paid his charges	0	6	8
Drawing state of facts and proposal for new Committee, and copy	0	8	8
Summons on leaving, copy and service	0	2	6
Summons to proceed, copy and service	0	2	6
Attending same, state of facts not allowed	0	6	8
Attending summons on proposal of W. B. and others, when same allowed, subject, &c.	0	6	8
Attending another summons thereon, when proposal allowed	0	6	8
Paid for copy draft report	0	2	2

COSTS IN LUNACY.

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	£	s.	d.
Close copy	0	5	4
Attending summons to settle	0	6	8
Drawing this bill of costs and copy for Master	0	8	4
Warrant on leaving copy and service	0	2	6
Warrant to tax copy and service	0	2	6
Attending taxing	0	6	8
Paid copy costs of W. B., &c.	0	4	0
Attending taxing	0	13	4
Letters, &c.	0	10	0
Total	£10	3	8

COSTS OF APPOINTING NEW COMMITTEES OF PERSON AND ESTATE.

No. 2.

IN LUNACY.

In the matter of G. I., a person of unsound mind.

The Bill of Costs, Charges, and Expenses of, &c., to be taxed, &c.

[Insert dates.]

	£	s.	d.
The Master in Lunacy having sent notice requiring appointment of new Committees, in consequence of Mr. H.'s death—attending Mrs. H. thereon	0	6	8
Writing to the Master's clerk thereon	0	5	0
Having received another letter from the Master—writing and attending Mr. H. thereon	0	6	8
Attending Mr. H. for particulars for proposal	0	6	8
Drawing state of facts and proposal	0	6	8
Summons on leaving, and copy	0	2	6
The like to proceed	0	2	6
Attending at Cemetery office obtaining certificate of burial of Mr. H., the late Committee	0	6	8
Paid for same	0	2	6
Instructions for affidavit of Dr. H. in support of proposal	0	6	8
Drawing and engrossing same	0	12	0
Attending Dr. H. swearing affidavit, and paid 2 oaths and exhibit	0	9	8
Coach hire with him	0	3	10
Summons on leaving, and copy	0	2	6
Attending summons on proposal—same allowed	0	6	8
Attending Mr. H. as to sureties—he was to obtain them	0	6	8
The Master having required a signed consent by Messrs. H. to act, attending getting same signed	0	6	8
Paid for copy draft report	0	3	8
Close copy	0	3	8
Summons to settle draft report, and copy	0	2	6

	£	s.	d.
Attending same	0	6	8
Drawing fresh consent, as required by Master, and writing, &c.	0	5	0
The Master having required additions to facts, drawing same, &c.	0	10	0
Paid further for copy report, fol. 15	0	1	11
Close copy	0	5	0
Summons to settle, and copy	0	2	6
Attending same	0	6	8
Attending Accountant General for transcript of account ...	0	6	8
Paid for same	0	2	6
Paid stamp on report	1	0	0
Paid for copy amendments in report, fol. 12	0	1	6
Close copy	0	4	0
Several attendances getting report signed and filed, and for Fiat	0	18	4
Paid stamp thereon	2	0	0
Writing to Mr. — that Order made, and as to security ...	0	5	0
Paid for office copy Order	0	2	4
Attending for same	0	6	8
Drawing instructions for Committee's security, and attending for bond and affidavits	0	6	8
Writing to Mr. H. to arrange to execute bond and swear affidavit	0	5	0
Attending (self and clerk) two Committees and sureties on execu- tion of bond, and attesting same	0	13	4
Paid for bond and duty	0	19	0
Attending sureties to be sworn to affidavit of sufficiency ...	0	6	8
Attending to be sworn to affidavit of due execution of bond ...	0	6	8
Attending to deposit bond and affidavits, &c., for Master's ap- proval	0	6	8
Paid stamp on certificate of completion of security	1	0	0
Paid filing, and for office copy	0	0	6
Attending thereon	0	6	8
Writing to Mr. H. to attend to receive maintenance	0	3	6
Attending afterwards Accountant General's, receiving cheque ...	0	6	8
Attending to get Taxing Master's name marked	0	6	8
Copy Order for Taxing Master	0	2	6
Drawing this bill, and copy, fol. 12	0	8	0
Warrant on leaving, and copy	0	2	6
The like to tax	0	2	6
Attending same	0	6	8
Paid for stamp, &c., on certificate of taxation	1	2	0
Attending to file, and for office copy	0	6	8
Paid for office copy	0	2	0
Letters and messengers	0	10	0
Total	£21	0	11

COSTS OF APPOINTING A NEW COMMITTEE OF THE PERSON.

IN LUNACY.

In the matter of L. M. C., a Lunatic.

The Bill of Costs, &c., of H. L., Committee, &c., to be taxed under, &c.

[Insert dates.]

£ s. d.

Attending Mr. H., conferring as to death of late Committee, and as to necessity for a new appointment	...	...	...	0	13	4
Attending Master thereon—he thought a lady should be appointed one of the Committees	...	...	...	0	6	8
Writing — result of inquiry	...	...	...	0	5	0
Attending Mr. H., conferring thereon, and as to proposal	...	...	...	0	6	8
Perusing former reports and Orders as to instructions, &c.	...	...	...	1	1	0
Drawing facts, &c., accordingly	...	...	...	0	7	4
Drawing and engrossing affidavit in support	...	...	...	0	6	8
Attending Cemetery for certificate of burial of late Committee	...	...	...	0	6	8
Paid for same	...	...	...	0	2	6
Attending swearing affidavit, and oath	...	...	...	0	8	2
Summons on leaving papers, copy and service	...	...	...	0	2	6
The like to proceed	...	...	...	0	2	6
Attending thereon—facts to be amended	...	...	...	0	6	8
Writing Mr. H. result of inquiry	...	...	...	0	5	0
Attending Accountant General's bespeaking, and for certificate of fund in Court	...	...	...	0	6	8
Perusing former Orders and reports for information for Master	...	...	...	0	13	4
Summons to proceed, copy and service	...	...	...	0	2	6
Attending same	...	...	...	0	6	8
Attending Mr. H., conferring as to proceedings before the Master, and as to Lunatic's maintenance	...	...	...	0	6	8
Paid for copy draft report	...	...	...	0	11	4
Close copy	...	...	...	0	11	4
Summonses on preparing report	...	...	...	0	2	6
The like to proceed	...	...	...	0	2	6
Attending same	...	...	...	0	6	8
Attending Mr. H. reading report, and conferring thereon	...	...	...	0	6	8
Further summons to settle	...	...	...	0	2	6
Attending same when draft settled	...	...	...	0	6	8
Writing Mr. H. of approval of report	...	...	...	0	5	0
Summons to sign report	...	...	...	0	2	6
Attending same	...	...	...	0	6	8
Paid stamp and report	...	...	...	1	11	4
Attending filing and office copy	...	...	...	0	6	8
Paid for same	...	...	...	0	4	6
Attending for Order	...	...	...	0	6	8
Paid stamp thereon	...	...	...	2	0	0
Attending Accountant General bespeaking draft for maintenance	...	...	...	0	6	8

	£.	s.	d.
Attending Accountant General further, producing original grant	0	6	8
Attending Mr. H. as to draft, and as to evidence of life of Lunatic	0	6	8
Attending him again, and taking instructions for required affidavit	0	6	8
Drawing and engrossing same	0	6	8
Attending both deponents to be sworn and oaths ...	0	9	8
Attending Accountant General therewith, and afterwards for draft	0	6	8
Attending Mr. H., and with him to the Accountant General for draft	0	6	8
Copy Order for Taxing Master	0	5	0
Drawing costs and copy, fol. 16	0	10	8
Warrant on leaving copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	6	8
Paid copy costs of kin	0	2	4
Attending taxing	0	6	8
Paid stamp and certificate	1	2	0
Attending filing and for office copy	0	6	8
Paid office copy	0	2	0
Attending Master for certificate of sale	0	6	8
Attending Accountant General therewith, and bespeaking sale, and afterwards for certificate thereof	0	6	8
Paid for office copy certificate of sale	0	1	4
Letters, &c.	1	1	0
Total ...	£22	9	0

COSTS OF KIN ON APPOINTMENT OF A NEW COMMITTEE OF PERSON.

IN LUNACY.

In the matter of L. M. C., a Lunatic

The Bill of Costs of J. W. L., next of kin of, &c., on the appointment of a new Committee of the Person, to be taxed, &c.

[Insert dates.]

	£	s.	d.
Attending Mr. J. W. L. as to the death of the late Committee of the Person, advising as to the proceedings of a new appointment, &c.	0	13	4
Paid copy proposal of —, as to ditto	0	1	4
The like of affidavit	0	1	2
Attending kin thereon, and taking instructions	0	6	8
Attending Master on summons	0	6	8
Attending kin, and as to amendments directed in proposal	0	6	8
Paid copy amendments in proposal	0	3	11
Writing kin thereon	0	3	6
Attending kin thereon	0	6	8
Attending further summons before Master—facts allowed	0	6	8

	£	s.	d.
Paid copy draft report	0	11	4
Close copy	0	11	4
Attending Mr. L., advising thereon	0	6	8
Attending two summonses to settle report	0	13	4
Attending signing ditto	0	6	8
Drawing costs and copy	0	4	0
Warrant on leaving copy and service	0	2	6
The like to tax	0	2	6
Paid for Committee's costs	0	5	4
Attending taxing same	0	6	8
Attending taxing these costs	0	6	8
Letters, &c.	0	10	0
Total ...	£7	3	7

COSTS OF APPOINTMENT OF NEW COMMITTEE OF PERSON AND ESTATE, DISCHARGE
OF FORMER COMMITTEE, AND PAYMENT OF MAINTENANCE.

IN LUNACY.

In the matter of B. H. L., a person of unsound mind.

The Bill of, &c., to be taxed, &c.

[Insert dates.]

	£	s.	d.
Attending Committee on his informing us he was going abroad, and at Master's office as to the necessity for a new Committee ...	0	13	4
Writing fully to Committee thereon	0	5	0
Attending him conferring, &c.,	0	6	8
Attending again at Master's office—the appointment of a new Committee indispensable	0	6	8
Attending Committee, and taking instructions	0	6	8
Attending Accountant General for power to receive dividends ...	0	6	8
Paid for same	1	4	0
Attending Committee, and attesting power	0	6	8
Attending to swear affidavit thereon, and oath	0	8	2
Attending to lodge power with A. G.	0	6	8
Attending Committee, taking instructions before his departure ...	0	6	8
Affidavit as to Lunatic being alive, to receive dividends ...	0	4	0
Engrossing same, 1s. 4d.; swearing, 6s. 8d.; oath, 1s. 6d. ...	0	9	6
Attending to receive and pass draft	0	6	8
Attending Bankers therewith	0	6	8
Attending Master, conferring as to discharge, and new appoint- ment	0	6	8
Attending for transcript of A. G.'s account	0	6	8
Paid	0	2	6
Drawing state of facts and proposal as to new appointment, fol. 40.	2	0	0

	£	s.	d.
Drawing and engrossing affidavit in support	0	10	8
Attending Mr. F. as to Committee's eligibility, and sureties ...	0	6	8
Drawing affidavit of ditto, and engrossing	0	6	8
Attending deponent, reading and swearing, &c., and oath ...	0	8	2
Attending Mr. W. swearing, &c., and oath	0	8	2
Summons on leaving same, copy and service	0	2	6
The like to proceed	0	2	6
Attending thereon	0	6	8
Drawing statement for Master for Committee's signature ...	0	6	8
Writing to proposed Committee thereon	0	5	0
Summons to proceed, copy, and service	0	2	6
Attending thereon, and with statement, &c... ..	0	6	8
Writing to proposed Committee thereon, and as to security ...	0	5	0
Further summons to proceed, copy and service	0	2	6
Attending—proposal allowed	0	6	8
Summons on preparing report	0	2	6
Paid for copy draft report	0	13	4
Close copy	0	13	4
Summons to sign, copy and service	0	2	6
Attending thereon	0	6	8
Attending for transcript of A. G.'s account	0	6	8
Drawing statement required as to maintenance	0	3	4
Writing Mr. F. therewith and thereon	0	5	0
Attending Master therewith and thereon	0	6	8
Paid for copy consequential directions	0	1	1
Summons to settle report, copy and service	0	2	6
Attending same	0	6	8
Further summons and attending	0	9	2
Summons to sign report and attending	0	9	2
Paid stamp thereon	1	0	0
Attending filing and office copy	0	6	8
Paid for office copy	0	6	10
Attending for order thereon	0	6	8
Paid for copy Minutes, 1s. 7d.; close copy, 3s. 6d.	0	5	1
Attending settling Minutes	0	6	8
Paid for stamp on Order	2	0	0
Attending passing Order	0	6	8
Making copy for Master	0	4	0
Drawing minute on bespeaking bond	0	2	8
Attending to bespeak bond	0	6	8
Paid for same and duty	2	4	2
Filing up, &c., affidavits of sufficiency	0	6	8
Writing Committee with instructions as to bond and affidavits ...	0	5	0
Attending Committee on his executing bond and advising, &c. ...	0	13	4
Attending one of the sureties on the execution of the bond ...	0	6	8
Attending him on swearing affidavit, &c.	0	6	8

COSTS IN LUNACY.

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	£	s.	d.
Filling up affidavit of sufficiency of other surety	0	6	8
The like affidavit of execution of bond by Committee and one surety	0	6	8
Attending to swear same, and oath	0	8	2
Paid P. O. order, Mr. R.'s charges, attending, &c., on executing bond, &c.	1	1	3
Writing to Committee as to remittance of rents	0	5	0
Attending Banker's for money	0	6	8
Writing Committee thereon	0	5	0
Attending Master as to late Committee's accounts, &c.	0	6	8
On receiving bond, &c., attending Master therewith	0	6	8
Attending to bespeak and for office copy certificate of completion... ..	0	6	8
Paid for same	0	0	7
Attending Accountant General, and bespeaking draft for main- tenance	0	6	8
Further attendance thereon and for power	0	6	8
Paid for same	1	4	0
Writing Committee with power for execution	0	5	0
Attending A. G. afterwards with same	0	6	8
Attending again for draft for maintenance	0	6	8
Attending Banker's to remit money	0	6	8
Copy Order for Taxing Master	0	3	4
Drawing costs and copy	1	1	4
Copy and service warrant, leaving same	0	2	6
The like to tax	0	2	6
Attending taxing	0	13	4
Paid stamp and transcript certificate	1	2	0
Attending filing and for office copy	0	6	8
Paid office copy	0	2	0
Attending Registrar for direction for sale	0	6	8
Attending Accountant General thereon	0	6	8
Letters, messengers, &c.	1	1	0
Writing Messrs. P. with their charges on execution of power, &c.	0	3	6
Paid same	0	17	1
Total	£41	0	9

COSTS OF KINDRED OF APPOINTING NEW COMMITTEE OF ESTATE.
IN LUNACY.*In the matter of, &c., a person of unsound mind.*The Bill of Costs, of, &c., the Next of Kin, as to appointment of new
Committee of the Estate, to be taxed, &c.

[Insert dates.]

	£	s.	d.
Attending, &c., on receiving information of the Committee's death	0	6	8

	£	s.	d.
Attending kin on the subject, and pointing out necessity for new Committee	0	6	8
Next of kin being unable to find a person willing to act, writing to and attending several parties thereon	1	0	0
Drawing state of facts and proposal accordingly	1	14	8
Summons on leaving, copy and service	0	2	6
Ditto to proceed	0	2	6
Attending same	0	6	8
Attending, searching, and obtaining certificate of burial of late Committee	0	13	4
Paid for same	0	2	6
Instructions for affidavit of death and identity	0	6	8
Drawing and engrossing affidavit	0	4	0
Attending deponent, &c., swearing, &c.	0	6	8
Instructions for affidavit of —, as to obtaining Committee	0	6	8
Drawing and engrossing same	0	8	0
Attending deponent, &c., swearing, &c.	0	6	8
Instructions for affidavit as to income, &c.	0	6	8
Drawing and engrossing same	0	13	4
Attending, &c., and to be sworn	0	6	8
Attending for certificate fund in Court	0	6	8
Summons on leaving affidavits	0	2	6
Ditto to proceed further	0	2	6
Attending same	0	6	8
Further summons and attending	0	9	2
Summons on preparing report	0	2	6
Paid for copy draft	0	10	8
Close copy	0	10	8
Summons to settle	0	2	6
Attending same	0	6	8
Further summons to settle	0	2	6
Attending same	0	6	8
Copy amendments to draft report	0	6	8
Close copy	0	6	8
Paid for stamp report	1	0	0
Summons to settle directions	0	2	6
Attending same	0	6	8
Summons to sign, copy and service	0	2	6
Attending same	0	6	8
Attending Registrar for Fiat, when he required information, about which I was to write to him	0	6	8
Letter to him accordingly	0	5	0
Paid stamp on Fiat	2	0	0
Attending Registrar again, when he wished for further information	0	6	8
Attending for office copy report	0	6	8
Paid for same	0	5	10

COSTS IN LUNACY.

243

	£	s.	d.
Paid stamp on certificate of completion of security	1	0	0
Attending thereon, and for office copy	0	6	8
Paid for same	0	1	0
Copy Order for Taxing Master	0	14	8
Drawing costs and copy	0	13	4
Summons on leaving, copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	6	8
Paid for stamp and transcript	1	2	0
Attending for office copy	0	6	8
Paid for same	0	2	0
Attending to bespeak directions for sale, &c.	0	13	4
Attending taxing Committee's costs	0	6	8
Letters, &c.	1	1	0
Total	£24	12	0

COSTS OF APPROVED COMMITTEE ON APPOINTMENT OF NEW COMMITTEE
OF ESTATE.

IN LUNACY.

In the matter of, &c., a person of unsound mind.

The Bill of Costs of, &c. (the Committee), under Order, dated, &c.

[Insert dates.]

	£	s.	d.
Attending conferring as to Committee-ship—Mr. — having assented	0	6	8
Drawing his consent for Master	0	2	0
Attending summons on proposal	0	6	8
Instructions for affidavit of Mr. —, as to character	0	6	8
Drawing and engrossing same	0	2	8
Attending deponent reading over same, and to be sworn	0	6	8
Instructions for affidavit of Mr. — as to same	0	6	8
Drawing and engrossing same	0	2	8
Attending, &c., swearing, &c.	0	6	8
Summons on leaving, copy and service	0	2	6
Attending further summons on facts	0	6	8
Ditto ditto ditto	0	6	8
Ditto summonses to settle report (3)	1	0	0
Instructions for security	0	6	8
Attending Master's office thereon	0	6	8
Paid charges for bond and duty	1	16	8
Attending Committee and sureties, attesting execution of bond, &c.	1	0	0
Completing affidavits of execution of bond and sufficiency, &c.	1	0	0
Attending sureties, &c., and swearing, &c.	0	13	4

	£	s.	d.
Schedule of securities deposited with Master	0	3	0
Attending on depositing ditto ditto	0	6	8
Drawing and engrossing affidavit as to ditto	0	5	4
Summons on leaving, copy and service	0	2	6
Attending to bespeak certificate of completion of security ...	0	6	8
Paid stamp thereon	1	0	0
Drawing bill of costs and copy	0	6	8
Attending taxing	0	6	8
Attending taxing kin's costs	0	6	8
Letters, &c.	1	1	0
Total	£13	11	8

COSTS OF OBTAINING A REPORT AND FIAT AS TO ADDITIONAL FORTUNE AND
MAINTENANCE.

IN LUNACY.

In the matter of M. E. L., a person of unsound mind.

The Bill of Costs, Charges, and Expenses of M. I., the Committee, &c., of,
and consequent upon a report and Order, dated, &c.

[Insert dates.]

	£	s.	d.
Attending Committee as to bequests made to Lunatic	0	6	8
Writing to executor of, &c., thereon	0	3	6
Attending executor for papers, &c., relating to bequests, &c. ...	0	6	8
Drawing and fair copy facts for Master	0	10	4
Instructions for affidavit of, &c., in support	0	6	8
Drawing same	0	14	0
Fair copy	0	4	8
Writing, &c., therewith, and as to swearing it, and oath	0	7	6
Summons on leaving facts, copy and service	0	2	6
The like to proceed	0	2	6
Attending thereon, same allowed	0	6	8
Summons on preparing report, copy and service	0	2	6
Copy draft report	0	4	2
Close copy	0	10	8
Summonses to settle (2), copy and service	0	5	0
Attending same	0	13	4
Attending Accountant General for certificate of stock	0	6	8
Summons to sign report, copy and service	0	2	6
Attending	0	6	8
Paid stamp on report	1	0	0
Attending executor, returning papers, &c.	0	6	8
Writing the Registrar in Lunacy in explanation of certain points on which information required by the Court	0	5	0

COSTS IN LUNACY.

245

	£	s.	d.
Writing to Mr. M., for cash to be invested	0	3	6
Paid stamp on Fiat	2	0	0
Attending thereon	0	6	8
Paid office copy report and Fiat	0	4	8
Attending thereon	0	6	8
Writing acknowledging receipt of money from Mr. M.	0	3	6
Affidavit of residue	0	6	0
Engrossing same	0	2	0
Attending swearing same, and oath	0	8	2
Filing and office copy	0	4	0
Office copy Order for Bank	0	4	8
Attending Accountant General for directions to pay in cash, and afterwards at Bank paying same, and subsequently to file receipt	0	13	4
Paid filing, and for office copy	0	1	2
Drawing request for investment	0	2	6
Attending thereon	0	6	8
Copy report and Order for Taxing Master	0	11	8
Drawing costs, fol. 10	0	6	8
Summons on leaving and to tax	0	5	0
Attending taxing	0	6	8
Paid stamp on certificate, and engrossing	1	2	0
Attending filing, and for office copy	0	6	8
Paid for same	0	0	6
Letters, &c.	0	15	0
Total	£17	2	6

COMMITTEE'S COSTS OF GRANTING LEASE AND SURRENDER OF OLD ONE.
IN LUNACY.

In the matter of B. J. N., a person of unsound mind.

The Bill of Costs, Charges, and Expenses of Committee of granting lease, to be taxed, &c.

	£	s.	d.
[Insert dates.]			
Attendances (several) on parties as to terminating old lease, and granting a new one, letters, &c.	0	13	4
Attending Mr. —, as to terms of new lease	0	6	8
Attending another applicant thereon	0	6	8
Attending making inquiries as to respectability of proposed lessee	0	6	8
Attending him to sign contract	0	6	8
Attending Master thereon, and for directions	0	6	8
Attending, &c., —, as to possession of premises, and dilapidations	0	6	8
Writing to surveyor thereon	0	3	6

	£	s.	d.
Drawing proposal for lease	0	4	0
Instructions for affidavit in support	0	6	8
Drawing and engrossing same	0	6	8
Attending swearing	0	6	8
Summons on leaving, copy and service	0	2	6
Same to proceed	0	2	6
Attending same—certificate required as to dilapidations	0	6	8
Abstract of covenant as to repairs	0	3	4
Writing therewith	0	3	6
Attending lessee as to fixtures	0	6	8
Writing to surveyor thereon	0	3	6
Attending Mr. H. thereon, and as to set-off against dilapidations	0	6	8
Attending Master thereon—he did not approve of the terms	0	6	8
Further attendance on the lessee thereon	0	6	8
Summons on leaving draft lease for Master's approval	0	2	6
The like to proceed, and attending same	0	9	2
Writing twice to surveyor as to dilapidations and fixtures, stating result of interview with Master	0	7	0
Paid for copy draft report	0	8	8
Close copy	0	8	8
Attending settling same	0	6	8
Instructions for affidavit as to respectability, &c., of lessee	0	6	8
Drawing and engrossing same	0	6	8
Attending to be sworn	0	6	8
Attending Master, when he approved proposal	0	6	8
Summons on leaving affidavit	0	2	6
Attending settling directions	0	6	8
Paid stamp on report	1	0	0
Attending to examine transcript	0	6	8
Attending lessee to procure signature to approval of lease	0	6	8
Instructions for memorandum of surrender of former lease	0	6	8
Drawing same, and copy	0	6	8
Writing to Messrs. — thereon	0	3	6
Writing to surveyor, as to his account	0	3	6
Attending for Fiat	0	6	8
Paid stamp thereon	2	0	6
Attending Messrs. H., as to possession of the premises	0	6	8
Summons to examine engrossment (2), copy and service	0	5	0
Attending to examine	0	6	8
Paid office copy report and Fiat	0	3	9
Journey to L., to receive possession, rent, &c., to give possession to lessee, and to procure counterpart lease, &c.	2	2	0
Paid expenses	1	19	6
Paid surveyor's account	2	1	0
Attending Stamp Office to get stamp affixed to duplicate lease	0	6	8
Copy Order for Taxing Master	0	8	8

COSTS IN LUNACY.

247

	£	s.	d.
Drawing costs	0	12	0
Attending to get Master marked	0	6	8
Warrants on leaving and taxing, copy and service	0	5	0
Attending taxing	0	6	8
Copy costs of kin	0	2	0
Attending taxing same	0	6	8
Paid stamp on certificate, and transcript ..	1	2	0
Attending	0	6	8
Office copy	0	0	9
Attending Committee for costs, and paying solicitors of kin ...	0	6	8
Letters, messengers, &c.	1	0	0
Total	£28	3	4

COSTS OF KIN ON GRANTING LEASE.

IN LUNACY.

In the matter of B. J. N., a person of unsound mind.

The Bill of Costs of Next of Kin of granting lease, to be taxed, &c.

[Insert dates.]

	£	s.	d.
Paid for copy Committee's proposal, evidence, &c.	0	3	6
Attending summons thereon	0	6	8
Paid for copy draft lease	0	8	1
Paid for copy draft report	0	8	8
Close copy	0	8	8
Attending summons settling lease	0	6	8
Ditto ditto report	0	6	8
Close copy	0	6	8
Copy amendments report, fol. 24	0	8	0
Close copy	0	8	0
Attending settling amendments in lease	0	6	8
Ditto ditto report	0	6	8
Examining and signing transcript	0	6	8
Paid for copy Committee's costs	0	6	8
Attending taxing	0	6	8
Warrant on costs	0	5	0
Attending taxing	0	6	8
Letters	0	10	0
Total	£26	5	11

COSTS OF COMMITTEE OBTAINING LEAVE TO CONCURE IN APPLICATION FOR
ACT OF PARLIAMENT.

IN LUNACY.

In the matter of B. H. L., a person of unsound mind.

The Costs of Committee of Estate of Lunatic, to be taxed, &c.

[Insert dates.]	£	s.	d.
Attending Master as to proceedings for obtaining an Act, &c. ...	0	6	8
Drawing statement accordingly, and copy	0	5	4
Copy and service of summonses leaving and proceeding on same	0	5	0
Attending same	0	6	8
Paid copy draft report	0	6	4
Close copy	0	6	4
Summons preparing same, copy and service	0	2	6
The like to settle	0	2	6
Attending thereon	0	6	8
Attending Master signing report	0	6	8
Paid stamp on report	1	0	0
Paid for office copy ditto	0	1	7
Attending thereon	0	6	8
Attending Registrar for Order	0	6	8
Paid stamp thereon	2	0	0
Copy Act for Master	5	16	0
Summons on leaving, copy and service	0	2	6
The like to settle	0	2	6
Attending same	0	6	8
Further summonses, copies and services (14)	1	15	0
Attending same	4	13	4
Attending Master's office examining Act, with copy, engaged two hours	0	13	4
Writing Master, with Act for signature	0	5	0
Paid for stamp on certificate of approval	1	0	0
Attending for same, and office copy	0	6	8
Paid for office copy	0	0	7
Copy Order for Taxing Master	0	2	6
Drawing bill of costs	0	5	4
Summons on leaving, copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	6	8
Paid stamp, and transcript certificate	1	2	0
Attending filing, and for office copy	0	6	8
Paid for office copy	0	2	0
Making copy thereof for C. B., and writing to him therewith	0	7	0
Letters, &c.	0	10	0
Total ...	£24	18	4

COMMITTEE'S COSTS OF OBTAINING AN ANNUITY FOR LUNATIC'S LIFE, SECURED
ON REAL ESTATE.

IN LUNACY.

In the matter of F. C., a person of unsound mind.

The Costs, Charges, and Expenses of the Committee of Estate on the
purchase of an Annuity for Lunatic's life, to be taxed, &c.

<i>[Insert dates.]</i>	£	s.	d.
Attending Committee as to purchase of annuity for Lunatic ...	0	6	8
Attending Master thereon, when he wished to see Committee, &c.	0	6	8
Writing D. T. accordingly	0	3	6
The like Committee	0	3	6
Attending Master further thereon, discussing the matter, and he approved of arrangement	0	6	8
Attending Mr. H. as to granting annuity of £100, and as to security	0	6	8
Writing his solicitors thereon	0	3	6
Perusing and considering statement furnished as to security and title	0	6	8
Drawing, &c., state of facts thereon	0	15	4
Summons leaving copy and service	0	2	6
The like to proceed	0	2	6
Attending thereon, same allowed	0	6	8
Writing Messrs. —, informing them of Master's directions, &c.	0	3	6
Attending ditto and Mr. K. as to title, and value of property, &c.	0	13	4
Writing Mr. C. as to instructions to survey property	0	3	6
Attending him explaining and giving instructions, &c.	0	6	8
Attending him on his bringing his report and conferring thereon	0	6	8
Attending Master thereon and therewith	0	6	8
Paid Mr. C.'s fee	3	3	0
Copy report to keep	0	2	0
Instructions for drawing, &c., agreement to grant annuity ...	0	10	0
Writing Messrs. A. therewith	0	3	6
Summons to proceed on facts	0	2	6
Attending same, facts allowed, subject to affidavit, &c.	0	6	8
Instructions for affidavit of D. T.	0	6	8
Drawing and engrossing same	0	4	0
Attending him, swearing, &c.	0	6	8
Summons on leaving, copy and service	0	2	6
The like preparing report	0	2	6
Paid copy draft report	0	11	8
Close copy	0	11	8
Summons to settle, copy and service	0	2	6
Attending same, report settled	0	6	8
Instructions for affidavit of D. T. as to past maintenance ...	0	6	8
Drawing and engrossing same	0	4	0
Attending him to be sworn	0	6	8
Summons on leaving, copy and service	0	2	6
Paid stamp on report	1	0	0

	£	s.	d.
Paid for office copy ditto	0	4	8
Paid for Minutes of Order	0	1	6
Close copy	0	4	6
Attending settling same	0	6	8
Paid stamp on Order	2	0	0
Attending passing same	0	6	8
Writing Messrs. — for abstract of title	0	3	6
Attending them to examine it with documents, &c.	0	13	4
Attending steward of manor, comparing abstract with the Rolls, &c.	0	13	4
Perusing on behalf of the Committee	1	0	0
Fee to Counsel to advise on title	2	4	6
Attending him thereon	0	6	8
Making copy opinion for grantor of annuity	0	3	4
Writing him therewith and thereon	0	3	6
Fee to Counsel to advise further on title, and clerk	1	6	0
Attending him	0	6	8
Attending conference with him on title, when, subject to certain points, he thought it might be accepted	0	13	4
Attending Report Office, searching Order, and paid	0	7	2
Searching will at Doctor's Commons, and afterwards for extract	0	6	8
Paid search, 1s.; paid extract, 6s. 4d.	0	7	4
Attending Counsel therewith, and further instructions	0	6	8
Paid fee to him and clerk	1	3	6
Attending Master with abstract, and Counsel's opinion on title	0	6	8
Paid stamp on certificate of approval	1	0	0
Attending to bespeak office copy	0	3	4
Paid for same	0	0	9
Instructions for surrender securing annuity	0	6	8
Drawing same	0	15	0
Fee to Counsel to settle	1	3	6
Attending him	0	6	8
Instructions for grant of annuity and covenant	0	6	8
Drawing same	2	0	0
Fee to Counsel to settle	2	4	6
Attending him	0	6	8
Making fair copy surrender for Master's approval	0	5	0
The like of grant of annuity	0	13	4
Attending him therewith	0	6	8
Master approving, making fair copy for grantor's solicitors	0	18	8
Attending them therewith	0	6	8
Drawing, &c., consent by Committee to become trustee of annuity	0	3	4
Attending him for his signature thereto	0	6	8
Paid stamp for certificate of approval of security	1	0	0
Attending to bespeak office copy	0	3	4
Paid for office copy	0	1	8
Engrossing surrender	0	10	0

	£	s.	d.
The like of grant of annuity	1	6	8
Paid for certificate and parchment	5	11	0
Attending to get same stamped	0	6	8
Attending Master on allowing same	0	6	8
Summons on leaving, copy and service	0	2	6
Attending grantor's Solicitors with engrossment of securities for examination and for an appointment to complete	0	6	8
Attending Solicitor on returning same and arranging to complete Attending steward of manor with engrossment of surrender and ap- pointing time for completion	0	6	8
Attending searching for judgments against grantor—none found. .	0	6	8
The like Crown debts—none found	0	6	8
Paid search	0	1	0
Attending steward's office, surrender passed, grant executed, &c ...	1	1	0
Paid steward's fees	3	4	10
Attending Committee attesting his execution	0	6	8
Drawing and engrossing affidavit of due execution by grantor ...	0	4	0
Attending to be sworn	0	6	8
Attending Master with securities and to bespeak certificate of com- pletion, when he required copy surrender and affidavit of its being duly lodged with steward	0	6	8
Drawing and engrossing same	0	4	0
Attending to be sworn	0	6	8
Attending steward with copy surrender and for certificate ...	0	6	8
Attending to lodge same and bespeaking certificate of completion...	0	6	8
Paid stamp for same	1	0	0
Paid for box for securities to be lodged with the Master ...	0	9	0
Attending to bespeak office copy certificate of completion ...	0	3	4
Paid for same	0	1	3
Attending Accountant General with same and to bespeak cheque, &c.	0	6	8
Attending to identify grantor on receiving same	0	6	8
Copy Order for Taxing Master	0	2	8
Drawing costs and copy for him	0	16	8
Warrant on leaving, copy and service	0	2	6
The like to tax	0	2	6
Attending Taxing	0	13	4
Paid copy costs of kin	0	1	4
Attending taxing	0	6	8
Paid copy costs of grantor	0	2	8
Attending taxing	0	6	8
Paid stamp and transcript certificate	1	2	0
Attending directing investment of surplus cash	0	6	8
Paid for office copy	0	2	0
Letters, messengers, &c.	1	0	0
Total	£65	12	7

	£	s.	d.
Perusing abstract, &c., to prepare abstract of Mr. H.'s title ...	0	13	4
Drawing same	0	13	4
Fair copy full abstract	1	16	8
Attending Mr. T. therewith	0	6	8
Writing to Mr. T. as to title	0	5	0
Attending Mr. T. on his examining abstract, with documents, &c.	0	6	8
Attending Mr. H. with draft covenants, &c., to settle	0	6	8
Fee to him and clerk	1	3	6
Making copy draft covenant	0	13	8
The like draft surrender	0	5	0
Attending Mr. T. and returning drafts	0	6	8
Writing to him as to the annuity, and the consideration money	0	3	6
Examining the engrossment of the covenant (3 skins) with the draft	0	10	0
The like as to surrender	0	3	4
Attending Mr. T., making appointment to execute deeds	0	6	8
Attending at Steward's office on execution thereof	0	13	4
Attending at Accountant General's office, identifying Mr. H., when he received the consideration money	0	6	8
Drawing costs and copy	0	2	8
Warrants on leaving (2), copies and services	0	5	0
The like to tax, ditto	0	5	0
Attending to tax	0	6	8
Letters and messengers	0	7	0
Total	£12	15	1

COSTS OF OPENING AND DEPOSITING WILL IN PROBATE COURT.

IN LUNACY.

In the matter of A.B., a person of unsound mind, deceased.

The Bill of Costs, Charges, and Expenses of, &c., as to opening Lunatic's Will, and depositing same for Probate, &c.

	£	s.	d.
[Insert dates.]			
Attending Messrs. —, on their informing us of the Lunatic's death, and taking instructions to procure opening will, &c. ...	0	6	8
Attending the Master, informing him of the death of the Lunatic, and as to proceedings for opening, &c., will	0	6	8
Summons to open same, copy and service	0	2	6
Attending at Cemetery, searching for burial of the Lunatic, and procuring certificate	0	6	8
Paid for same	0	2	6
Instructions for affidavit of — as to death and identity	0	6	8
Drawing and engrossing same, oath and exhibit	0	10	4

	£	s.	d.
Attending deponent, reading over, and to swear same, and oath ...	0	8	2
Summons on leaving same, copy and service	0	2	6
Attending summons to open will, when Master, being satisfied of death, opened same, and gave information as to executors, &c.	0	6	8
Attending Committee, &c., thereon, and communicating information as to will, and for instructions as to deposit and probate	0	6	8
Attending bespeaking certificate of opening will, and to pay fees	0	6	8
Paid stamp thereon	1	0	0
Attending filing and for office copy	0	6	8
Paid office copy	0	0	10
Summons for delivery out of will, copy and service	0	2	6
Attending same—Master directed will to be forthwith delivered out	0	6	8
Attending Probate Court, &c., arranging time for deposit of will	0	6	8
Attending Master's office, and Probate Court on deposit ...	0	13	4
Drawing request for attending Probate Court with will	0	5	0
Paid stamp thereon	1	0	0
Attending Master, and bespeaking certificate of deposit	0	6	8
Paid stamp on Master's certificate of delivery out of will ...	1	0	0
Attending filing, and for office copy	0	6	8
Paid for office copy	0	0	6
Letters, &c.	0	10	0
Total ...	£9	18	2

(Exclusive of the usual costs of taxation.)

COSTS OF KIN ON DEPOSITING LUNATIC'S WILL IN PROBATE COURT, &c.

IN LUNACY.

In the matter of A. B., a person of unsound mind, deceased.

The Bill of Costs, &c., Next of Kin, on the deposit of will, &c.

[Insert dates.]

	£	s.	d.
Having been served with summons to open and read will on Lunatic's death, attending same	0	6	8
Attending kin informing them the result, and advising, &c. ...	0	6	8
Attending summons for delivery out of will—Master directed same to be deposited in Probate Court	0	6	8
Attending Probate Court on deposit of will	0	6	8
Attending kin, and advising as to probate, &c.	0	6	8
Letters, &c.	0	5	0
Total	£1	18	4

(Exclusive of costs of taxation.)

COSTS OF COMMITTEE ON APPLICATION AS TO DRAINAGE.

IN LUNACY.

In the matter of, &c., a person of unsound mind.

The Bill of Costs, Charges and expenses of Committee of the Estate as to Drainage, to be taxed, &c.

[Insert dates.]	£	s.	d.
Instructions for state of facts as to the drainage of, &c., approved by the Commissioners	0	6	8
Drawing same and fair copy	1	8	8
Summons on leaving, copy and service	0	2	6
The like to proceed (4)	0	10	0
Attending thereon	1	6	8
Copy certificate as to drainage, to be set out in Master's report	0	5	0
Writing to, &c., thereon	0	3	6
Paid copy draft report	0	13	4
Close copy	0	13	4
Summonses on preparing and settling report, copies and services	0	5	0
Attending same—evidence required as to, &c.	0	6	8
Instructions for affidavit accordingly	0	6	8
Drawing and engrossing same	0	17	8
Writing to Mr. — fully thereon	0	5	0
Summons on leaving affidavit	0	2	6
The like to settle report and attending	0	9	2
The like to sign, ditto, ditto	0	9	2
Paid stamp on report	1	0	0
Paid filing, and office copy	0	5	6
Attending thereon	0	6	8
Instructions for Petition to confirm report	0	6	8
Drawing same	3	0	0
Engrossing and copy for the Court	2	0	0
Attending to present	0	6	8
Copy thereof to serve	1	0	0
Service	0	2	6
Brief for counsel	2	0	0
Drawing observations and copy	0	10	0
Fee to Mr. — therewith	2	4	6
Attending him	0	6	8
Consultation fee	1	3	6
Attending him	0	6	8
Attending consultation	0	13	4
Attending Court, Petition heard, and Order made	0	13	4
Paid copy minutes of order, 4s. 6d.; close copy, 3s. 6d.	0	8	0
Attending settling Minutes	0	6	8
Paid stamp on Order	2	0	0
Attending passing same	0	6	8

	£	s.	d.
Copy Order for Master	0	2	6
Drawing costs and copy	0	5	4
Summons, leaving and taxing	0	5	0
Attending taxing	0	13	4
Copy costs of kin			
Attending taxing	0	6	8
Paid stamp and certificate	1	2	0
Attending filing, and office copy	0	6	8
Paid same	0	0	10
Letters, &c.	0	15	0
Total	£31	16	2

COSTS OF KIN ON APPLICATION AS TO DRAINAGE.

IN LUNACY.

In the matter of, &c., a person of unsound mind.

The Bill of, &c., Next of Kin of, &c., to be taxed, &c.

[Insert dates.]

	£	s.	d.
Paid for copy facts as to drainage, and for affidavit in support ...	0	13	0
Attending summonses (4) thereon	1	6	8
Paid for copy draft report	0	13	4
Close copy	0	13	4
Attending summonses, settling and signing report	1	0	0
Brief Petition to confirm report	2	0	0
Fee to counsel therewith	2	4	6
Attending him	0	6	8
Attending Court order made	0	13	4
Paid copy Minutes	0	4	6
Close copy	0	3	6
Attending settling	0	6	8
Attending passing order	0	6	8
Drawing costs and copy	0	2	0
Attending taxing	0	6	8
Paid copy Committee's costs			
Attending taxing	0	13	4
Letters, &c.	0	5	0
Total	£11	19	2

COSTS OF INVESTING MONEY ARISING FROM SALE OF LAND TO A RAILWAY COMPANY.

IN LUNACY.

In the matter of H. E., a Lunatic. And in the matter of an Act, &c.

The Bill of, &c., to be taxed, &c. (as to the land taken by a Railway Company, and investment of Purchase-money.)

<i>[Insert dates.]</i>	£	s.	d.
Attending Queen's printer for Act of, &c., railway	0	6	8
Paid for same	0	1	6
Instructions for Petition to carry over £500, paid into Court under the Act, &c., to the lunacy account, real estate	0	6	8
Drawing and engrossing same	4	2	8
Copy for the Court	1	0	8
Attending to present	0	6	8
Attending Messrs. H. with Petition—they agreed to accept service	0	6	8
Copy Petition for them	1	0	8
The like for service on next of kin	1	0	8
Service thereof	0	2	6
Instructions for affidavit of Petitioner in support	0	6	8
Drawing and engrossing same	0	13	4
Attending him to be sworn, and oath	0	9	2
Paid filing and for office copy	0	1	6
Attending at the Report office bespeaking, and afterwards for certificate of payment of money into Court	0	6	8
Paid for same	0	1	4
Brief Petition of counsel, 7 sheets	1	3	4
The like of affidavit	0	3	4
Attending counsel therewith	0	6	8
Fee to him and clerk	2	4	6
Attending Court, Petition not heard, &c.	0	13	4
Attending Court, Order made, &c.	0	13	4
Paid for copy Minutes, 1s. 4d.; close copy, 4s.	0	5	4
Attending settling Minutes	0	6	8
Paid for Order (stamp)	2	0	0
Attending passing	0	6	8
Attending at the Accountant General's, bespeaking carrying over	0	6	8
Drawing request to invest	0	2	6
Attending	0	6	8
Copy Order for Taxing Master	0	5	0
Attending for reference to him	0	6	8
Drawing this Bill of costs	0	8	0
Warrant on leaving, copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	6	8
Paid for certificate and stamp	1	2	0

	£	s.	d.
Paid filing and office copy	0	2	0
Attending	0	6	8
Letters, messengers, &c.	0	10	6
Total ...	£23	5	6

COSTS OF KIN AS TO SALE TO RAILWAY, AND INVESTMENT OF MONEY.

IN LUNACY.

In the matter of H. E., a Lunatic. And in the matter of an Act, &c.

The Bill of, &c., Next of Kin of, &c. (as to Sale to Railway, and Investment of Proceeds).

[Insert dates.]

	£	s.	d.
Brief petition of —, as to investment of money, &c.	1	3	4
Drawing observations, and fair copy	0	10	0
Attending counsel therewith	0	6	8
Fee to him and clerk	1	3	6
Attending Court, Petition in paper, but not heard, &c.	0	13	4
Attending Court, Order made, &c.	0	13	4
Close copy Minutes	0	4	0
Attending settling	0	6	8
Attending passing Order	0	6	8
Drawing costs and copy	0	3	4
Attending taxing	0	6	8
Letters, &c.	0	10	0
Total ...	£6	7	6

COSTS OF COMMITTEE OF OBTAINING AN ORDER FOR SALE OF SMALL REAL ESTATE OF LUNATIC.

IN LUNACY.

In the matter of, &c., a person of unsound mind.

The Bill of Costs, &c., of Committee, &c., as to Sale of Real Estate, to be taxed, &c.

[Insert dates.]

	£	s.	d.
Attending Committee, conferring as to sale by, &c.	0	6	8
The like on, &c., as to mortgage	0	6	8
Attending — as to application for leave to sell, &c.	0	6	8
Attending — as to the state of the property, title, &c.	0	6	8
Writing Mr. H. thereon	0	3	6
Attending Mr. — and drawing and engrossing contract for sale	0	10	6
Writing to — thereon	0	3	6
Writing to —, in reply to letter, &c.	0	3	6
Instructions for affidavit of —, in support of application for sale	0	6	8

	£	s.	d.
Drawing and engrossing	2	0	0
Attending deponent reading over and to be sworn, and oaths, &c.	0	16	2
Copy Messrs. — report on state of property	0	5	0
Instructions for affidavit of Committee	0	6	8
Drawing and engrossing same, fol. 5	0	6	8
Attending him reading over, &c., and oath	0	9	2
Summonses on leaving and to proceed	0	5	0
Attending thereon, proposal allowed, unless, &c.	0	6	8
Attending further thereon, same allowed	0	6	8
Attending Messrs. —, conferring thereon	0	6	8
Summons on preparing report—copy and service	0	2	6
Paid copy draft report	0	10	0
Close copy	0	10	0
Writing to —, fully on subject	0	5	0
Writing to — thereon, and as to charges	0	3	6
Summons to settle report	0	2	6
Attending thereon	0	6	8
Paid for copy additions to report	0	6	8
Close copy	0	6	8
Attending settling consequential directions	0	6	8
Summons to sign	0	2	6
Attending thereon	0	6	8
Paid stamp on report	1	0	0
Paid stamp on Order	2	0	0
Attending Registrar on points mentioned by Court as to annuity	0	6	8
Attending filing report, and for office copy	0	6	8
Paid for same	0	5	2
Instructions for affidavit of Mr. —, as to principal and interest due, &c.	0	4	0
Engrossing same	0	1	4
Attending swearing, &c., and oath	0	9	2
Copy order for Master	0	4	8
Attending, bespeaking certificate of amount to be paid into Court.	0	6	8
Paid stamp for certificate	1	0	0
Paid office copy	0	1	3
Fair copy order for Taxing Master	0	4	8
Drawing costs	0	4	0
Warrant on leaving, and to tax	0	5	0
Attending taxing	0	6	8
Paid certificate and stamp	1	2	0
Attending filing, and office copy	0	6	8
Paid for office copy	0	2	0
Letters, Messengers, &c.	1	1	0
Total	£21	9	11

**COSTS OF COMMITTEE ON ENTERING INTO FRESH SECURITY ON DEATH, ETC., OF
A SURETY (UNDER GENERAL ORDER).**

IN LUNACY.

In the matter of A. B., a person of unsound mind.

The Bill of Costs of C. D., the Committee of Estate, as to his security.

[Insert dates.]	£	s.	d.
Copy and service summons to fix time for entering into fresh security (if taken)	0	2	6
Attending same	0	6	8
Attending Committee, explaining what was required to be done, and receiving name of new surety	0	6	8
Attending Masters' office, giving instructions for new bond ...	0	6	8
Paid fees and duty	2	2	6
Instructions for affidavit as to present state of Lunatic's property, and death of surety (if required)	0	6	8
Drawing same, and fair copy, fol. 12	0	12	0
Engrossing same to be sworn	0	4	0
Attending reading over same, and to be sworn	0	6	8
Paid oath (2s. 6d. country, 1s. 6d. town)			
Attending Masters therewith and for bond	0	6	8
Attending Committee and sureties with bond, reading over same, and attesting execution (two witnesses)	0	13	4
Filling up affidavit of execution bond, and attending to swear ...	0	10	0
Paid oath and exhibit (5s. country, 4s. town)			
Filling up affidavit of sufficiency of sureties, and attending deponents reading over same, and with them to be sworn ...	0	13	4
Paid oaths (5s. country, 3s. town)			
Attending the Masters with bond and affidavits executed and sworn, and leaving same for examination	0	6	8
Subsequently attending to ascertain if bond and affidavits were satisfactory, and to pay fees	0	6	8
Paid stamp on certificate	1	0	0
Attending filing certificate, and for office copy	0	6	8
Paid filing and office copy (about)	0	0	9
Drawing this bill of costs and copy, fol. 5	0	3	4
Summons on leaving copy and service	0	2	6
The like to tax	0	2	6
Attending same	0	6	8
Letters, &c.	0	5	0
Total			

COSTS OF NEXT OF KIN ON COMMITTEE'S ENTERING INTO FRESH SECURITY.

	£	s.	d.
Copy costs of Committee	0	0	9

	£	s.	d.
Attending taxing same	0	6	8
Drawing this bill of costs and copy, 2 fols.	0	1	4
Summons on leaving same	0	2	6
The like to tax	0	2	6
Attending taxing	0	6	8
Letters, &c.	0	5	0
Total	£1	5	5

COSTS OF RECEIVER ON ENTERING INTO FRESH SECURITY ON DEATH, ETC.,
OF A SURETY (UNDER GENERAL ORDER).

IN LUNACY.

In the matter of W. G. P., a Lunatic.

The Bill of Costs of Receiver, of entering into fresh security, on the death of his original sureties.

[Insert dates.]

	£	s.	d.
Drawing proposal for new sureties, and fair copy, fol. 4	0	4	0
Summons on leaving same, two copies and service	0	5	0
Summons to proceed thereon	0	5	0
Attending same, and proposal allowed	0	6	8
Paid for copy proposed recognizance, fol. 12	0	1	7
Close copy	0	4	0
Summons to settle same, and copies and service	0	5	0
Attending summons to settle recognizance	0	6	8
Writing sureties to attend to acknowledge recognizance	0	7	0
Attending receiver and his sureties to swear to affidavit of sufficiency, and oaths	0	11	8
Attending reading over recognizance, and taking acknowledgment	0	13	4
Attending to lodge recognizance and affidavits for examination at Masters' office, and afterwards to ascertain if same correct	0	6	8
Attending filing certificate of completion of security, and afterwards for office copy	0	6	8
Paid same	0	0	9
Drawing this bill of costs and copy, fol. 6	0	4	0
Summons on leaving same, copies and service	0	5	0
Summons to tax	0	5	0
Attending taxing	0	6	8
Letters and postages	0	7	0
Paid charges as follows: (viz.)			
Parchment and duty	1	17	0
Paid for enrolling recognizance	0	1	6
Paid stamp certificate of completion of security	1	0	0
Total	£		

COSTS OF COMMITTEE ON RECEIVER'S ENTERING INTO FRESH SECURITY.

IN LUNACY.

In the matter of W. G. P., a Lunatic.

The Bill of Costs of Committee, upon Receiver entering into fresh Security.

<i>[Insert dates.]</i>	£	s.	d.
Paid for copy of Receiver's proposal for new sureties, fol. 4 ...	0	0	7
Close copy	0	1	4
Writing the Committee therewith and thereon	0	3	6
Attending summons to proceed upon proposal, when same allowed	0	6	8
Paid for copy of proposed recognizance, fol. 12	0	1	7
Close copy	0	4	0
Attending summons to settle same	0	6	8
Paid for copy of Receiver's costs, fol. 6	0	0	10
Attending summons to tax same	0	6	8
Attending summons to tax next of kin's costs	0	6	8
Drawing this bill, fol. 3, and fair copy	0	2	0
Summons on leaving same, copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	6	8
Letters and messengers	0	5	0
Total	£		

COSTS OF NEXT OF KIN ON RECEIVER'S ENTERING INTO FRESH SECURITY.

IN LUNACY.

In the matter of W. G. P., a Lunatic.

The Bill of Costs of Next of Kin, upon Receiver entering into fresh Security.

<i>[Insert dates.]</i>	£	s.	d.
Paid for copy of Receiver's proposal for new sureties, fol. 4 ...	0	0	7
Close copy	0	1	4
Attending summons to proceed on proposal, when same allowed	0	6	8
Paid for copy of proposed recognizance, fol. 12	0	1	7
Close copy	0	4	0
Attending summons to settle same	0	6	8
Attending summons to tax Receiver's costs	0	6	8
Attending summons to tax Committee's costs	0	6	8
Drawing this bill, fol. 3, and fair copy ..	0	2	0
Summons on leaving same, copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	6	8
Letters and messengers ..	0	5	0
Total	£		

COSTS OF COMMITTEE ON PASSING ACCOUNTS.

*In the matter of A. B., a Lunatic.*Costs of J. T., the Committee, on passing his [*Second*] Account.[*Insert dates.*]

	£	s.	d.
Attending filing and to bespeak office copy certificate on 1st account	0	6	8
Paid for same (say)	0	0	9
Attending Committee for balance	0	6	8
Attending Accountant General's office for directions to pay in balance	0	6	8
Attending at Bank and Accountant General's office, paying in balance and filing receipt, and for office copy	0	13	4
Paid same (say)	0	0	9
Drawing request to invest	0	2	6
Attending thereon	0	6	8
Drawing second account (say) 20 fol.	0	13	4
Summonses leaving and proceeding	0	5	0
Attending thereon	0	6	8
Summons to settle balance	0	2	6
Attending	0	6	8
Paid office stationer —, for engrossment account and affidavit	0	0	0
Attending Committee to be sworn	0	6	8
Paid oath	0	1	6
Attending to file and for office copy	0	6	8
Paid stationer for office copy —	0	0	0
Paid stamp on certificate to pay in balance	1	0	0
Attending for certificate	0	6	8
Drawing costs, fol. 6	0	4	0
Summonses on leaving and to tax	0	5	0
Attending	0	6	8
Paid copy kin's costs	0	1	0
Attending taxing same	0	6	8
Letters, &c.	0	10	0
Total	£		

COSTS OF NEXT OF KIN ON PASSING COMMITTEE'S ACCOUNTS.

*In the matter of A. B., a Lunatic.*Costs of S. T., one of the Next of Kin, on passing the [*Second*] Account of J. T., the Committee.[*Insert dates.*]

	£	s.	d.
Paid for copy account	0	6	8
Attending passing	0	6	8

COSTS IN LUNACY.

265

	£	s.	d.
Attending taxing Committee's costs	0	6	8
Letters and messengers	0	10	0
Total	£8	1	10

COSTS OF NEW COMMITTEE ON PASSING FINAL ACCOUNT OF LATE COMMITTEE.
IN LUNACY.*In the matter of J. G., a person of unsound mind.*

The Bill of Costs of the Committee of the Estate, on passing the Account of the Executrix of the late Committee.

[Insert dates.]	£	s.	d.
Paid for copy account	0	0	0
Attending summons thereon	0	6	8
Attending summons to settle balance	0	6	8
Attending taxing executrix's costs of passing account	0	6	8
Drawing this bill and copy, fol. 3	0	2	0
Summons on leaving and copy	0	2	6
The like to tax	0	2	6
Attending same	0	6	8
Letters and messengers	0	5	0
Total	£1	18	8

COSTS OF PETITIONERS ON APPLICATION TO WIND UP LUNATIC'S PARTNERSHIP.

In the matter of A. B., a person of unsound mind.

The Bill of Costs, Charges, and Expenses of, &c., relating to an Inquiry respecting the Partnership between the Lunatic and Messrs., &c., to be taxed pursuant to Order, dated, &c.

[Insert dates.]	£	s.	d.
Messrs. — having served notice on Committees to determine partnership, attending Master thereon, when he stated a proposal should be laid before him for winding up same, supported by evidence showing nature and value of Lunatic's interest	0	6	8
Drawing state of facts, fol. 32	1	1	4
Summons on leaving, copy and service	0	2	6
The like to proceed	0	2	6
Attending summons, when Master required evidence as to what would be proper to be paid for Lunatic's interest in partnership	0	6	8
Another summons, copy and service	0	2	6

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	£.	s.	d.
Attending same, when Master approved of Mr. —, to investigate partnership affairs	0	6	8
Long attendance on Mr. P., explaining circumstances, and giving him full instructions	0	13	4
Instructions for his affidavit in support	0	6	8
Drawing and engrossing same, fol. 24	1	12	0
Attending deponent to be sworn, and oath	0	9	2
Paid Messrs. P. and Co.'s charges... ..	3	3	0
Summons on leaving affidavit, copy and service	0	2	6
The like to proceed on proposal	0	2	6
Attending summons	0	6	8
Instructions for affidavit of Mr. W.	0	6	8
Drawing same, fol. 12	0	12	0
Instructions for affidavit of Mr. S.	0	6	8
Drawing same, fol. 16	0	16	0
Instructions for and drawing affidavit of Mr. S., fol. 8	0	8	0
Engrossing affidavits of Messrs. W. S. and S.	0	12	0
Attending Mr. S. to be sworn, and oath	0	9	2
The like Mr. W., and Mr. S.	0	18	4
Making copy accounts for Master	1	0	0
Carriage of parcel	0	2	0
On receipt of letter from agent, writing to Mr. G., with copy	0	6	0
Writing in explanation of Master's inquiries	0	3	7
Summons on leaving three affidavits, copy and service	0	2	6
The like to proceed	0	2	6
Attending same, proposal allowed	0	6	8
Summons on preparing report, copy and service	0	2	6
Paid for copy draft report	0	8	6
Close copy	1	1	8
Summons to settle	0	2	6
Attending same	0	6	8
Two other summonses to settle report	0	5	0
Attending same	0	13	4
Paid stamp on report	1	0	0
Summons to sign	0	2	6
Attending same	0	6	8
Attending filing report, and for office copy	0	6	8
Paid for same	0	8	6
Instructions for Petition to confirm report	0	6	8
Drawing same, fol. 80	4	0	0
Paid fee to Counsel to settle	2	4	6
Attending him thereon	0	6	8
Porterage, and booking parcel	0	2	2
Parcel, with draft, back	0	2	2
Engrossing the Petition, and copy for the Court, fol. 160	2	13	4
Attending presenting Petition, and afterwards for it	0	6	8

	£	s.	d.
Copy Petition, for service on Messrs. —	1	6	8
Service thereof	0	2	6
Brief copy Petition for Counsel	1	6	8
Drawing, &c., observations to accompany same	0	10	0
Fee to Counsel, with brief and clerk	4	6	6
Attending him	0	6	8
Attending Court, Petition heard, and Order made	0	13	4
Paid for Minutes	0	2	6
Close copy	0	6	6
Attending settling Minutes	0	6	8
Paid stamp on Order	2	0	0
Attending passing and entering	0	6	8
Instructions for affidavit for Accountant General	0	6	8
Drawing and engrossing affidavit	0	2	8
Attending to be sworn	0	6	8
Paid oath, filing, &c.	0	4	8
Drawing request to Accountant General to invest cash	0	2	6
Attending him thereon	0	6	8
Instructions for assignment of leasehold property to T. and G.	0	6	8
Drawing same, fol. 56	2	16	0
Paid fee to Mr. L. to settle same	3	5	6
Attending him	0	6	8
Parcel, with draft, to and from the country	0	4	4
Copy draft for the Master's perusal, fol. 56	0	18	8
Summons on leaving the draft	0	2	6
The like to settle	0	2	6
Attending two summonses to settle draft	0	13	4
Engrossing the assignment, fol. 56	1	17	4
Paid for stamp and parchment	3	10	0
Two summonses to examine	0	5	0
Attending thereon	0	13	4
Paid stamp on certificate of allowance	1	0	0
Attending to bespeak, and for office copy	0	6	8
Paid for the office copy	0	1	0
Parcel to the country, with engrossment	0	2	2
Writing to inform Mr. S. deed was ready for execution	0	3	7
The like to Mr. G.	0	3	7
The like to Messrs. T. G.	0	3	7
Attending Mrs. G., &c., attesting execution of assignment	0	13	4
Attending and attesting execution of deed by Messrs. —	0	13	4
Parcel to L., with deed, back	0	2	2
Attending Master therewith	0	6	8
Copy Order for the Taxing Master	0	10	0
Drawing costs and copy, fol. 24	0	16	0
Warrant on leaving, copy and service	0	2	6
The like to tax	0	2	6

	£	s.	d.
Attending taxing	0	6	8
Attending taxing G. and W.'s costs	0	6	8
Sale for costs	0	13	4
Letters and messengers	1	1	0
Total	£67	4	6

COSTS OF T. G. AND J. W. OF APPEARING UPON APPLICATION TO DISSOLVE
LUNATIC'S PARTNERSHIP.

In the matter of A. B., a person of unsound mind.

The Bill of Costs, Charges, and Expenses of T. G. and J. W., relating to
Inquiry before Master, as to Lunatic's partnership, to be taxed pursuant
to an Order, bearing date, &c.

[Insert dates.]

	£	s.	d.
Brief copy Petition to confirm the report for Counsel	1	6	8
Drawing, &c., observations to accompany same	0	10	0
Fee to Counsel, with brief and clerk	2	4	6
Attending him	0	6	8
Attending Court, Petition heard, and Order made confirming report, and Messrs. — were to pay the balance of, &c., into Court, with interest, and the partnership to be dissolved ...	0	13	4
Attending settling Minutes of Order	0	6	8
Attending passing the Order	0	6	8
Attending Mr. G., arranging for payment of money, &c. ...	0	6	8
Attending bespeaking direction for the payment in of money ...	0	6	8
Attending Banker's obtaining money, and afterwards at the Bank paying same in	0	13	4
Paid for office copy receipt	0	1	4
Drawing costs and copy	0	4	0
Attending taxing	0	6	8
Letters and messengers	0	10	0
Total	£8	3	2

COSTS OF RECEIVER, ETC., OF DISCHARGING SECURITY ON LUNATIC'S DEATH.
IN LUNACY.

In the matter of, &c., a person of unsound mind.

The Costs of (Receiver), on Proposal to Discharge Recognizance on Lunatic's Death.

[Insert dates.]

	£	s.	d.
Attending Mr. —, Receiver, taking instructions to apply for discharge of recognizance, &c.	0	6	8

	£	s.	d.
Drawing proposal and fair copy, fol. 9	0	12	0
Writing Receiver for certificate of burial of Lunatic	0	3	6
Instructions for affidavit of death and identity	0	6	8
Drawing and engrossing same, fol. 8	0	10	8
Attending deponents swearing same	0	6	8
Attending to file same, and for office copy	0	6	8
Paid filing, and for office copy	0	1	2
Summonses on leaving and to proceed on proposal	0	5	0
Attending thereon	0	6	8
Attending bespeaking certificate to discharge security	0	6	8
Paid stamp thereon	1	0	0
Attending filing, and for office copy certificate	0	6	8
Paid for office copy	0	1	0
Attending Clerk of Inrolments, with certificate to and on discharge of recognizance	0	13	4
Attending Receiver and Sureties, on obtaining the discharge of their security	0	13	4
Letters, &c.	0	5	0
Total	£6	11	8

COSTS OF COMMITTEE OF PROCEEDINGS ON LUNATIC'S DEATH.

In the matter of H. R. P., a person of unsound mind.

The Bill of Costs, Charges, and Expenses of S. C. W., Esq., the Committee,
directed to be taxed under Order, dated, &c.

[Insert dates.]

	£	s.	d.
Attending Mr. W., who informed us of the death of Mr. P., and that he had left a will, and that the executors had applied to him, &c., conferring and advising with him thereon	0	6	8
Attending Mr. R., with will, and instructions	0	6	8
Attending Accountant General's to obtain amount now in his name, for the purpose of probate	0	6	8
Attending Accountant General's to get account made up, &c.	0	6	8
Attending Mr. W., and advising as to Petition for transfer	0	6	8
Attending Mr. R., conferring and arranging	0	6	8
Attending Messrs. B.'s clerk, when he called respecting this busi- ness, and afterwards attending Messrs. B., with papers herein	0	6	8
Having received a letter from Messrs. B. and Co., attending them, and arranging that they should present Petition, and we would pass our account, and appear and consent to Petition	0	6	8
Perusing draft Petition of administrators, &c., for transfer, &c.	0	13	4
Writing to Mr. W. thereon, &c.	0	3	6

	£	s.	d.
Attending Messrs. B., as to affidavit, and various points, &c. ...	0	6	8
Attending, by appointment, taking instructions for affidavit ...	0	6	8
Drawing affidavit, fol. 4, and fair copy	0	5	4
Engrossing same	0	1	4
Attending Mr. W., reading over affidavit, and to be sworn ...	0	6	8
Paid oath	0	1	6
Paid for office copy of same	0	0	7
Paid for office copy joint affidavit of Mr. S. and Mr. W. ...	0	1	0
Brief Petition and affidavits, 3 sheets	0	10	0
Fee to Counsel and clerk	1	3	6
Attending him	0	6	8
Attending Court—Order made according to prayer of Petition ...	0	13	4
Paid for Minutes of Order	0	2	6
Close copy	0	7	0
Attending settling	0	6	8
Attending passing the Order	0	6	8
Attending Mr. W. to obtain the receipt of the balance due to, &c.	0	6	8
Writing to Messrs. B., as to receipt, and affidavit as to party to receive balance	0	5	0
Drawing proposal to dispense with passing final account, and dis- charge security, and fair copy, fol. 8.	0	8	0
Summons on leaving, copy and service	0	2	6
The like to proceed	0	2	6
Attending same—proposal allowed	0	6	8
Subsequently attending Master to produce final Order, administra- tion, and other documents, and to discharge security ...	0	6	8
Attending Committee and his sureties, on discharging security, and with bond vacated	1	0	0
Drawing bill of costs and copy, fol. 14	0	9	4
Summons on leaving, copy and service	0	2	6
The like to tax, copy and service	0	2	6
Attending taxing	0	6	8
Letters, messengers, &c.	0	5	0
Total ...	£13	0	3

COSTS OF ADMINISTRATOR OF PROCEEDINGS ON LUNATIC'S DEATH.

In the matter of H. R. P., a person of unsound mind.

The Bill of Costs of the Administrator, with the Will annexed, of the said
H. R. P., to be taxed pursuant to the Order, dated, &c.

	£	s.	d.
[Insert dates.]			
Attending administrators of Mr. P., conferring as to transfer of stock in Court to them, &c.	0	6	8

	£	s.	d.
Attending Messrs. M., informing them of application, and taking particulars of stock, afterwards attending their clerk, &c. ...	0	6	8
Perusing papers, when it appeared there were other documents which must be stated—Attending Messrs. M. thereon, &c. ...	0	13	4
Instructions for Petition for transfer of funds, and for costs, &c. ...	0	6	8
Drawing same, fol. 20	1	0	0
Making fair copy thereof for perusal of Messrs. M., &c.	0	6	8
Attending them therewith, and afterwards on same, &c.	0	6	8
It appearing that if Crown would consent to balance in hands of Committee being paid to administrators without passing his final account, same might be waived—Attending Messrs. D. thereon, &c.	0	6	8
Attending Messrs. M. on evidence in support of Petition	0	6	8
Letter to Committee for place of burial to Mr. P., and as to proof of death and identity	0	5	0
Attending Mr. W., on his stating where Mr. P. was buried, and informing him of the nature of the required affidavit	0	6	8
Engrossing Petition	0	6	8
Making copy for the Court	0	6	8
Attending to present same	0	6	8
Making two copies for service	0	13	4
Service thereof	0	5	0
Attending searching for certificate of Mr. P.'s burial, &c.	0	6	8
Paid for the certificate	0	2	6
Instructions for affidavit verifying same, and identity of Mr. P.	0	6	8
Drawing same, fol. 4, and engrossing	0	5	4
Attending deponent reading over, and to be sworn	0	6	8
Paid oaths and exhibits	0	8	0
Paid filing two affidavits, and for office copies	0	1	6
Two copies of affidavits for Messrs. D., one sheet	0	3	4
Attending Mr. R. on calling for explanation on several points, &c.	0	6	8
Making copy of Will accordingly, one brief sheet	0	3	4
Making brief copy for Counsel, and affidavits, 3 sheets	0	10	0
Attending Mr. F. therewith	0	6	8
Paid fee to him and clerk	1	3	6
Attending Court—Petition heard and Order made	0	13	4
Paid for copy Minutes	0	2	6
Close copy	0	7	0
Attending settling	0	6	8
Paid for stamp on Order	2	0	0
Copy Order for the Master	0	2	6
Attending for name of Taxing Master	0	6	8
Drawing bill of costs and copy, fol. 20	0	13	4
Warrant on leaving, copy and service	0	2	6
Two warrants to tax	0	5	0
Attending taxing	0	13	4

	£	s.	d.
Paid copy costs of the Committee	0	2	0
Attending taxing same	0	6	8
Paid for copy costs of the Crown	0	0	8
Attending taxing same	0	6	8
Paid for certificate of costs	1	0	10
Paid filing and for office copy	0	0	10
Attending thereon	0	6	8
Attending Registrar for direction to sell stock for costs	0	6	8
Attending with Order, and bespeaking sale... ..	0	6	8
Paid certificate	0	1	0
Attending Registrar for directions to transfer stock	0	13	4
Attending Accountant General to bespeak transfer	0	6	8
Attending Messrs. M., receiving balance in Committee's hands, &c.	0	6	8
Instructions for affidavit of residue of stock, for Accountant General	0	6	8
Drawing and engrossing same, fol. 4	0	5	4
Paid oath	0	1	6
Paid filing, and for office copy	0	0	7
Letters, &c.	0	10	0
Letter to Mr. W., for address of administrators, &c., and clerk's attendance therewith, in order to obtain receipt for balance	0	5	0
Letter to Mr. L. to like effect, when he furnished the information	0	3	6
Drawing out and transcribing receipt for balance in Committee's hands	0	2	6
Paid for stamp	0	4	0
Letter, inclosing receipt, and explaining circumstances, &c.	0	5	0
On return of same, drawing and engrossing affidavit identifying administrator as person named in receipt, &c.	0	5	4
Attending to be sworn thereto, and afterwards on Messrs. M. there-with	0	6	8
Paid oath and exhibit	0	4	0
Drawing additions to costs, and copy, fol. 4	0	2	8
Total	£24	1	9

COSTS OF SOLICITORS OF HER MAJESTY'S TREASURY, ON LUNATIC'S DEATH.

In the matter of H. R. P., deceased, a person of unsound mind.

	£	s.	d.
[Insert dates.]			
Having been served with copy Petition of executors of deceased for transfer of funds, making two briefs thereof, and of affidavits.	3	0	0
Drawing, and two copies observations	0	13	4
Fee to Mr. Attorney General, with brief, and clerk	2	4	6
Attending him	0	6	8
Fee to Mr. W.	1	3	6

	£	s.	d.
Attending him	0	6	8
Attending Court, when Order made	0	13	4
Paid for copy Minutes	0	2	6
Close copy	0	7	0
Attending settling	0	6	8
Attending to pass Order, and produce brief to Registrar	0	6	8
Drawing, and copy costs, fol. 5	0	3	4
Warrant on leaving, copy and service	0	2	6
The like to tax	0	2	6
Attending taxing	0	6	8
Letters and messengers	0	5	0
Total	£10	10	10

Vide Chap. XVIII. as to Costs, page 76.

The following summary of other Bills of Costs which have been taxed may possibly be found useful, as, in some measure, affording an answer to the inquiry, which often arises, as to the expense of the necessary proceedings of obtaining for the person and property of a Lunatic the protection of the Court.

	£	s.	d.
No. 1. Costs of Inquiry (without jury), appointing Committees, and fixing maintenance—the property consisting of an annuity, and a life estate, producing in all an income of £338	93	17	0
No. 2. The like proceedings; the property consisting of an annuity, and stock, producing an income of £340	80	0	4
No. 3. The like proceedings; property, outstanding personal estate, to be realized and invested—income £40	67	8	5
No. 4. The like proceedings; property, personal estate paid into Court—income, £54	87	9	7
No. 5. The like proceedings; property all of a personal nature—income, £293	131	16	8
No. 6. The like proceedings; property, a small freehold, and outstanding cash, invested in Stock in Court—income, £70	56	9	5
No. 7. The like proceedings; property, stock in Court—income, £420	90	0	0
No. 8. The like proceedings; property, personal estate—income, £194	106	13	5
No. 9. The like proceedings; property, personal estate—income, £62	104	12	2
No. 10. The like proceedings; property, outstanding personal estate, to be realized, and invested in Court—income, £250	117	6	0
No. 11. The like proceedings; property, real and personal estate—income, £190	88	15	9

	£	s.	d.
No. 12. The like proceedings; property, small real estate— income, about £90	96	10	7
No. 13. The like proceedings; property, personal estate, realized and invested in Court—income, about £100	94	3	2
No. 14. The like proceedings; personal estate—income, £110	63	13	8
No. 15. The like proceedings; real and personal estate—income, £290	182	9	0
No. 16. The like proceedings; real and personal estate—income, £80	67	3	11
No. 17. The like proceedings; a small annuity, and stock in Court— income, £76	114	0	1
No. 18. The like proceedings; personal estate—income, £200	110	2	9
No. 19. The like proceedings; real and personal estate—income, £175	79	15	5
No. 20. The like proceedings; stock in Court, and other personal estate—income, £94	151	10	1
No. 21. The like proceedings; personal estate—income, under £100	146	14	4
No. 22. The like proceedings; personal estate—income, £350	144	6	3
No. 23. The like proceedings; stock, and other personal estate— income, £70	86	18	10
No. 24. The like proceedings; personal estate (stock and cash)— income, £120	120	0	3
No. 25. The like proceedings; stock, and other personal estate— income, £360	133	9	0
No. 26. The like proceedings; stock, and life annuity—income, £75	93	10	11
No. 27. The like proceedings; small personal estate, and life an- nuity—income, £55	139	7	0
No. 28. The like proceedings; personal estate—income, £318	92	12	8
No. 29. The like proceedings; a rent-charge, and stock in Court— income, £620	191	14	3
No. 30. The like proceedings; real and personal estate—income, £250	112	6	4
No. 31. The like proceedings; real and personal estate—income, £70	107	8	3
	£3,352	5	6
Add the total amount of 27 other cases of various properties and incomes	3,211	2	7
Total	£6,563	8	1
Giving an average amount of costs in each case of	£113	3	2

In two other cases, where, owing to the smallness of the property, the Fees were remitted by the Court, the costs were about £70 and £43 respectively.

STATUTES.

PREROGATIVA REGIS. 17 EDWARD 2, STAT. 1, 1324.

CHAPTER IX.

HIS PREROGATIVE IN THE CUSTODY OF THE LANDS OF LUNATICS.

THE KING shall have the custody* of the lands of natural fools taking the profits of them without waste or destruction,† and shall find them their necessaries, of whose fee soever the lands be holden. (2.) And after the death of such Idiots, he shall render it to the right heirs, so that such Idiots shall not aliene, nor their heirs shall be disinherited.

REX habet custodiam* terrarum fatuorum naturalium capiendo exitus earundem sine vasto & destructione,† & inveniet eis necessaria sua de cuiuscumque feodo terre ille fuerint, & post mortem eorum reddat eas rectis heredibus ita quod nullatenus per eosdem fatuos alienentur vel eorum heredes exheredentur.

CHAPTER X.

HIS PREROGATIVE IN THE PRESERVATION OF THE LANDS OF LUNATICS.

ALSO THE KING shall provide, when any (that before time hath had his wit and memory) happen to fail of his wit, as there are many *per lucida intervalla*, that their lands and tenements shall be safely kept without waste and destruction, and that they and their household shall live and be maintained competently with the profits of the same, and the residue besides their sustentation shall be kept to their use, to be delivered unto them when they come to right mind; (2) so that such lands and tenements shall in no wise be aliened; (3) and the king shall take nothing to his own use. (4) And if the party die in such estate, then the residue shall be distributed for his soul by the advice of the ordinary.

ITEM habet providere* quando aliquis qui prius habuit memoriam & intellectum non fuerit compos mentis sue sicut quidam sunt *per lucida intervalla* quod terre & tenementa eorundem salvo custodiantur sine vasto & destructione & quod ipse & familia sua de exitibus earundem vivant & sustineantur competenter & residuum ultra sustentationem eorundem rationabilem custodiatur ad opus ipsorum liberandum eis quando memoriam recuperaverint. Ita quod predictae terre & tenementa infra predictum tempus non alienentur. Nec Rex de exitibus aliquid percipiat ad opus suum & si obierit in tali statu tunc illud residuum distribuatur pro anima ejusdem per consilium ordinariorum.

* *Vide Oxenden v. Lord Compton*, 2 Ves., Jr. 71.

† See also the same case on the construction of the Statute as to the words "waste and destruction."

2d and 3d EDWARD 6, c. viii., 1548.

AN ACT FOR FINDING OF OFFICES BEFORE
ESCHEATORS.

SECTION VI.—As TO TRAVERSE OF INQUISITION.*

Also, where one person or mo is or shall be founden heir to the King's tenant, by Office or Inquisition, where any other person is or shall be heir; (2) or if one person or more be or shall be founden heir by Office or Inquisition in one county, and another person or persons is or shall be found heir to the same person in another county; (3) or if any person be or shall be untruly founden Lunatic, idiot or dead: (4) be it enacted by the authority aforesaid, That every person and persons, grieved or to be grieved by any such Office or Inquisition, shall and may have his or their Traverse to the same immediately or after, at his or their pleasure, and proceed to Trial therein, and have like remedy and advantage as in other cases of Traverse upon untrue Inquisitions or Offices founden; any law, usage or custom to the contrary in any wise notwithstanding.

* *Vide* also 34 Edward 3, c. 13, 14; 23 Henry 6, c. 16, 17.

LUNACY REGULATION ACT,

16 & 17 VICT., CAP. 70. *

An Act for the Regulation of Proceedings under Commissions of Lunacy and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates.

[15th August, 1853.]

FOR removing or diminishing the delays and expenses now attending on the execution of Commissions in the nature of Writs *de Lunatico Inquirendo*, and the proceedings consequent on Inquisitions taken thereon, and for regulating and amending the practice and course of procedure in matters of Lunacy, and for consolidating and amending the several Acts of Parliament respecting the care and management of the persons and estates of Lunatics so found by Inquisition, and the appointments, duties, and salaries of Officers in Lunacy, be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I. The several Acts of Parliament mentioned in the first schedule hereunder written shall be and the same are hereby repealed, to the extent specified concerning the same Acts respectively in the third column of the same schedule, but so that the validity of any proceeding taken or pending under the said Acts or any of them, before or at the commencement of this Act, or any appointments, salaries, annuities, compensations, or allowances made or given by or under the said Acts or any of them, before the commencement of this Act, shall not be taken away, diminished, or in anywise injuriously affected by the repeal aforesaid ; and no new or further order, minute, or direction whatsoever shall be deemed to be necessary by reason or in consequence of the repeal aforesaid, respecting any such appointment, salary, annuity, compensation, or allowance as aforesaid, except where by this Act any salary or other payment is made payable out of a fund not heretofore chargeable therewith ; and all proceedings respecting the person or estate of every person before the commencement of this Act, found by Inquisition idiot, Lunatic, or of unsound mind, and incapable of managing himself or his affairs, or any proceedings for the purpose of procuring such a finding, shall be carried on, as far as may be practicable, according to the provisions of this Act, and, subject thereto, according to the provisions of the said Acts or any of them, which shall for that purpose be deemed to continue in force notwithstanding the repeal aforesaid, or in

Acts and parts of Acts named in first Schedule repealed, but validity of proceedings, &c., not to be affected.

Mode of proceeding in existing cases.

* *Vide also Amendment Acts : 18 Vict., c. 13 (1855) ; 25 and 26 Vict., c. 86, 1862 (post).*

case of doubt as to the mode of procedure in such of the modes aforesaid as the Masters in Lunacy shall direct.

Interpreta-
tion of
terms.

II. In this Act, unless there be something in the subject matter or context repugnant to the construction,— *

The expression "the Lord Chancellor" shall be construed to mean the Lord High Chancellor of *Great Britain* for the time being, and to include or be applicable to the Lord Keeper or Lords Commissioners for the custody of the Great Seal of the United Kingdom for the time being;

And the expression "the Lord Chancellor intrusted as aforesaid" shall be construed to mean the Lord High Chancellor of *Great Britain* for the time being intrusted by virtue of the Queen's Sign Manual with the care and commitment of the custody of the persons and estates of persons found idiot, Lunatic, or of unsound mind; † and when and so long as the Lords Justices of the Court of Appeal in Chancery for the time being shall be intrusted as aforesaid concurrently with the Lord Chancellor, then and so long the last-mentioned expression shall be construed to include or be applicable to the Lords Justices aforesaid, so that all the powers, authorities, and duties to be had, exercised, and performed under this Act by the Lord Chancellor intrusted as aforesaid shall and may be had,

* *Vide* 25 and 26 Vict., c. 86, sec. 1, 2 (post). 18 Vict., c. 13 (post).

† Lord Campbell, in his "Lives of the Lord Chancellors," vol. i., page 14, says, "It has been a common opinion that the Chancellor has no jurisdiction 'whatever in Lunacy by virtue of his office, and that his jurisdiction is entirely 'derived from a special authority under the Royal Sign Manual, which might 'be conferred on any one else. But I clearly apprehend that a Commission 'de 'Idiota,' or 'de Lunatico Inquirendo,' would issue at common law from the Court 'of Chancery under the Great Seal, and that the Lord Chancellor, without any 'special delegation for this purpose, would have authority to control the execu- 'tion of it, and to make orders for that purpose. The Sign Manual takes its origin 'from Stat. 17 Edward II., c. 9, by which the rents and profits of the estates of 'idiots are given to the Crown, and form part of the Royal revenue. During the 'existence of the Court of Wards and Liveries, the management of the estates of 'Idiots and Lunatics was intrusted to it, and since has been delegated to the 'Chancellor. Being a fiscal matter, the Warrant is countersigned by the Lord 'High Treasurer, or Lords Commissioners of the Treasury."

And in a note to the above, his Lordship adds: "I was obliged to investigate 'this matter during the short time when I had the honour to hold the Great Seal 'of Ireland. By an oversight, the usual Warrant under the Sign Manual re- 'specting Lunatics had not in the first instance been delivered to me, but I found 'that I might safely make some orders in Lunacy before I received it. On such 'matters perhaps the appeal ought to be to the House of Lords, although the appeal 'respecting others comprehended in the special delegation be to the Sovereign in 'Council." See 3 Bl. Com., 48, 427; Story's Equity, 2, 542; In Re Fitzgerald, 2 Sch. and Lef., 432, 151. As the form of the Warrant throws some light upon 'the subject, and is nowhere to be found in print, I subjoin a copy of that which 'was addressed to me."

(A copy of the Sign Manual then follows).

* As to the jurisdiction in Chancery and Lunacy, &c., see, besides cases cited, pages 1 and 84 n., The Bailiffs, &c., of Burford v. Lenthall, 2 Atk., 551.

exercised and performed as well by the Lord Chancellor acting either alone or jointly with both or either of the Lords Justices aforesaid, as by both of the Lords Justices aforesaid acting jointly apart from the Lord Chancellor ; *

And the expression "the Lords Justices" shall be construed to mean the Lords Justices aforesaid for the time being, or one of them ;

And the expression "the Lord Chancellor of *Ireland*" shall be construed to comprehend the Lord Keeper or Lords Commissioners for the custody of the Great Seal of *Ireland* for the time being ;

And the expression "the Masters" shall be construed to mean the Masters in Lunacy for the time being, jointly or severally ;

And the expression "the Registrar" shall be construed to mean the Registrar in Lunacy for the time being ;

And the word "Commission" shall be construed to mean a Commission in the nature of a Writ *de Lunatico Inquirendo*, and to comprehend the General Commission by this Act authorized to be issued ;

And the word "land" shall be construed to comprehend any manor, messuage, tenement, hereditament, or real property of whatsoever tenure, and also property of every description transferable otherwise than in books kept by any company or society, or any share thereof or charge thereon, or estate or interest therein ; †

And the word "stock" shall be construed to comprehend any fund, annuity, or security transferable in books kept by any company or society, or any money payable for the discharge or redemption thereof, or any share or interest therein ; ‡

And the word "dividends" shall be construed to comprehend interest or other annual produce ;

And the provisions relating to "the Bank of *England*" shall be construed to extend and be applicable to the *East India* Company, the *South Sea* Company, and every other company or society established or to be established ;

And the word "conveyance" shall be construed to comprehend any release, surrender, assignment, or other assurance, including all acts, deeds, and things necessary for making and perfecting the same ;

And the word "transfer" shall be construed to comprehend any assignment, payment, or other disposition ;

* The Master of the Rolls has no control over a Committee of a Lunatic, nor any jurisdiction in Lunacy, except in a suit arising out of the Lunacy. * Nor has a Vice-Chancellor any such jurisdiction. †

† Bengal Notes held to be "land" under 1 W. 4, c. 60. *Re Sombre*, 1. Mac. and Gor., 101.

‡ "Stock" includes the stock of a Railway Company transferable only by Deed. (*Vide Re Ives*, L. J. Rep., N. S., p. 673, ch. and secs. of the Act, 140, 142.)

* 1 Dick., 33. *Ames v. Parkinson*, 2 Phill., 388. *Chester v. Rolfe*, *Re Rutter*, De Gex, M. and G., 798. *Crozier v. Rudland*, L. J. R., 27. N. S., 261 ch.

† Anon. 5 Sim., 322. But see *Re Macfarlane*, L. T., vol. 6. N. S., 164 ch.

And the word "Lunatic" shall be construed to mean any person found by Inquisition idiot, Lunatic, or of unsound mind, and incapable of managing himself or his affairs ; *

And the expression "next of kin" shall be construed to refer to the next of kin of a Lunatic, and to comprehend his heir or heirs at law, and also the person or persons who would be entitled to his estate, or to shares thereof, under the statutes for the distribution of the effects of intestates, in case he were dead intestate ;

And the word "person" or "party" shall be construed to comprehend a body corporate.

Schedules
parts of Act. III. The schedules hereunder written shall be deemed to be parts of this Act.

Extent of
Act. IV. This Act shall extend to *England* and *Wales*, and to *Ireland* where the same is specifically mentioned.

Commence-
ment and
Short Title
of Act. V. This Act shall take effect from the 28th day of *October*, 1853, and may be cited as "The Lunacy Regulation Act, 1853." †

Officers. And with respect to the several officers in Lunacy, be it further enacted as follows :

Power to
Lord Chan-
cellor to ap-
point two
Masters in
Lunacy,
who, before
acting, shall
take Oath in
the second
Schedule. VI. There shall be two Masters in Lunacy, who shall hold their offices during good behaviour, and the present Masters in Lunacy shall be continued and be the Masters in Lunacy during good behaviour, and the Lord Chancellor shall, from time to time as any vacancy shall occur in the office of Master in Lunacy, appoint a fit person, being a serjeant or barrister-at-law of not less than ten years' standing at the bar, to fill the vacancy, and the person to be so appointed shall, before being capable of acting as Master in Lunacy, take before the Lord Chancellor, in the manner now used, the oath set forth in the second schedule hereunder written, and the Masters in Lunacy for the time being shall have the same rank and precedence as the present Masters now take.

Masters to
have Powers
of Commis-
sioners. VII. The Masters in Lunacy shall have, perform, and execute all the powers, duties, and authorities which were at the time of the passing of the Act of the session of Parliament holden in the fifth and sixth years of the reign of her Majesty, chapter eighty-four, had, performed, and executed by Commissioners named in Commissions in the nature of Writs *de Lunatico Inquirendo*.

All refer-
ences con-
nected with VIII. All the inquiries and matters connected with the persons and estates of Lunatics which were at the time of the passing of the last-

* The word "Lunatic" does not occur in the Statute Prerogativa Regis, nor, perhaps in any intermediate Statute till the 33 Henry VIII., c. 20. But it is used in the 2 and 3 Edward VI., c. 8, sec. 6, allowing the Traverse of an Inquisition ; and it occurs also in 4 George II., c. 10, in which the terms used to denote want of understanding or unsoundness of mind are "idiot, Lunatic, or *non compos mentis*," "sane mind, memory, and understanding." In various other Statutes, the terms used with reference to the mental capacity of parties are, "whole mind" (1 Richard III., c. 1 ; 4 Henry VII., c. 24) ; "whole memory" (1 Richard III., c. 7 ; 32 Henry VIII., c. 28, sec. 5) ; "good memory" (18 Edward I., Statute 4 ; 27 Henry VIII., c. 10) ; "good, whole, and perfect memory" (33 Henry VIII., c. 20).

† *Vide* 25 and 26 Vict. c. 86, sec. 1, 2 (post). *Vide* 18 Vict. c. 13 (post).

mentioned Act of Parliament usually referred to the Masters in Ordinary of the High Court of Chancery (except inquiries and matters which may be or might have been referred under the Trustee Act, 1850, or any Act thereby repealed), shall henceforth, where references shall be made, be referred to the Masters in Lunacy, who shall have, perform, and execute all the powers, duties, and authorities relating to the inquiries and matters so to be referred to them as aforesaid which were at the time last aforesaid had, performed, and executed by the Masters in Ordinary of the High Court of Chancery, and shall perform such other duties for the security and advantage of Lunatics and their estates as the Lord Chancellor intrusted as aforesaid shall from time to time direct.

Lunatics
to be made
to Masters.

IX. All the powers and authorities by or under this Act vested or to be vested in the Masters shall be joint and several, and they shall execute Commissions and conduct Inquiries connected with Lunatics or their estates, and perform all other duties committed or to be committed to them by or by virtue of any Act hereby repealed or this Act, either separately or together, and at such places, within such times, and in such manner as any General Order in Lunacy, and, subject thereto, as any Special Order of the Lord Chancellor intrusted as aforesaid, shall from time to time direct.

Masters to
perform du-
ties under
Regulations
of the Lord
Chancellor.

X. The Lord Chancellor shall have, as at present, an officer called "the Registrar in Lunacy," who shall perform the duties committed to him by or by virtue of this Act, and such other duties connected with Lunatics and their estates, at such places, within such times, and in such manner, as the Lord Chancellor shall from time to time direct.*

Registrar to
perform
duties under
Regulations
of Lord
Chancellor.

XI. The Masters and the Registrar respectively shall continue to discharge all duties which formerly belonged to the office of Clerk of the Custodies of Idiots and Lunatics, and which were, under the provisions of the Act of the session of Parliament holden in the fifth and sixth years of the reign of Her Majesty, chapter eighty-four, on the abolition of that office, transferred to them respectively, so far as the same may be necessary to be discharged, according to the practice for the time being subsisting in Lunacy.

Duties of
Clerk of the
Custodies to
be per-
formed by
Masters and
Registrar.

XII. The Masters shall receive salaries of Two thousand pounds per annum each; and the Lord Chancellor may, on a Petition presented to him for that purpose, order (if he shall so think fit) annuities, not exceeding the sum of One thousand two hundred pounds each, to be paid to the persons continued and to be appointed Masters respectively, if and when they respectively shall be afflicted with some permanent infirmity disabling them respectively from the due execution of their respective offices, and shall be desirous of resigning the same.†

As to the
Masters' Salaries
and retiring
Annuities.

XIII. The Lord Chancellor may by Order remove any one of the Masters in Lunacy to be appointed after the commencement of this Act, who shall be afflicted with any permanent infirmity disabling him

Power to
Lord Chan-
cellor to
remove, and

* Vide 25 and 26 Vict., c. 86, sec. 28, 29 (post).

† Vide 25 and 26 Vict., c. 86, sec. 28-29 (post).

grant Annuities to future Masters, if afflicted with infirmity. from the due execution of his office, and who shall refuse to resign or be incapable of resigning the same, and may, upon such removal, order to be paid to him an annuity or retiring allowance not exceeding in amount two equal third parts of his yearly salary. *

Salary of Registrar.

XIV. The Registrar shall receive such salary as the Lord Chancellor, with the approbation of the Commissioners of Her Majesty's Treasury, has directed or shall from time to time direct. *

Number and Salaries of the Clerks of the Masters and the Registrar.

XV. Such officers, clerks, and messengers shall and may be from time to time appointed by the Masters and the Registrar respectively in their respective offices as the Lord Chancellor, with the approbation of the Lords Commissioners of Her Majesty's Treasury, has directed or shall from time to time direct, but the appointment of the Chief Clerk of the Masters shall be made with the approbation of the Lord Chancellor; and the present officers, clerks, and messengers shall be continued as if this Act had not been passed, and without prejudice to any right or claim of them or any of them in respect of length of service or otherwise; and the officers, clerks, and messengers for the time being shall respectively receive such salaries as the Lord Chancellor, with the approbation of the said Commissioners of the Treasury, has directed or shall from time to time direct. †

Power to Lord Chancellor to appoint Visitors.

XVI. There shall be two medical visitors and one legal visitor of Lunatics, who shall hold their offices during pleasure; and the present visitors shall be continued and be the visitors during pleasure; and the Lord Chancellor shall, from time to time as any vacancy shall occur in the office of medical visitor or legal visitor, appoint, by writing under his hand, a fit person, being a physician in actual practice, to succeed a medical visitor, and a fit person, being a barrister of not less than five years' standing, to succeed a legal visitor. ‡

Masters to be ex-officio Visitors.

XVII. The Masters for the time being shall, by virtue of their appointments to be Masters, become and be visitors of Lunatics jointly with the visitors for the time being.

Visitors not to be interested in Houses for Reception of Insane Persons.

XVIII. No person shall be appointed to be a visitor who shall be or shall have been within the two years then next preceding directly or indirectly interested in the keeping of any house licensed for the reception of insane persons; and if any person shall after his appointment become so interested, his appointment as visitor shall *ipso facto* become null and void, and thereupon his salary shall cease.

Salaries of Visitors.

XIX. The Medical Visitors shall receive such salaries, not exceeding the sum of Five hundred pounds per annum each, and the Legal Visitor to be appointed after the commencement of this Act shall receive such salary, not exceeding the like sum, as the Lord Chancellor, with the approbation of the said Commissioners of the Treasury, shall from time to time order; and the salary of the present Legal Visitor shall remain at its present amount. ‡

* Vide 25 and 26 Vict., c. 86., sec. 26-28.

† Vide same Act, sec. 23-25.

‡ Vide 25 and 26 Vict., c. 86, sec. 24.

XX. The Medical and Legal Visitors and the Masters, or so many of them, not being less than three in number, as may from time to time be able, consistently with the discharge of their other duties, to attend, shall from time to time form themselves into a Board for their mutual guidance and direction on matters connected with the visiting of Lunatics; and the Board shall be at liberty to report to the Lord Chancellor intrusted as aforesaid upon any matter connected with the duties of the Visitors or of the Board, as they think proper.

XXI. Where a Medical or a Legal Visitor is temporarily prevented from discharging his duty by illness or unavoidable absence, but not otherwise, he may, with the approbation of the Lord Chancellor intrusted as aforesaid, appoint a physician in actual practice, or a barrister of not less than five years standing (as the case may require), to act in his stead during his illness or unavoidable absence; and the physician or the barrister so appointed shall, while his appointment remains in force, have, perform, and execute all the powers, duties, and authorities belonging to the office of Medical Visitor or of Legal Visitor (as the case may be) with full validity and effect to all intents and purposes.

XXII. There shall be a Secretary to the Visitors, who shall hold his office during pleasure; and the present Secretary shall be continued and be the Secretary during pleasure; and the Lord Chancellor shall, from time to time as a vacancy shall occur in the office of Secretary, appoint, by writing under his hand, a fit person to fill the vacancy.

XXIII. The Secretary shall receive such salary, not exceeding the sum of Three hundred pounds per annum, as the Lord Chancellor has ordered or shall from time to time order: [and a clerk to the Secretary may be appointed by him, with the approbation of the Lord Chancellor, who shall receive such salary, not exceeding the sum of One hundred and fifty pounds per annum, as the Lord Chancellor shall from time to time order.] *

XXIV. Such allowances as the Lord Chancellor, with the approbation of the said Commissioners of the Treasury, shall from time to time order, shall be made to the Masters and the Visitors for their respective travelling and other expenses, and to the Masters and the Registrar, and the Secretary to the Visitors (but in the latter case under the direction of the Visitors), for providing and maintaining suitable offices, and for the other expenses incident to the discharge of the duties of their respective offices.

XXV. All salaries and annuities continued or given by or under this Act (inclusive of the salaries of the Visitors and their Secretary, as from the day on which the account entitled "The Account of the Board of Visitors for the Better Care and Treatment of Lunatics" shall be closed as hereinafter mentioned), shall grow due from day to day, and the same, with all allowances continued or given by or under this Act (inclusive of the allowances to the Visitors and their Secretary as from the same day),

* *Vide* 25 and 26 Vict., c. 86, sec. 25, repealing the clause of this section within brackets.

shall be payable and paid under order of the Lord Chancellor to the several persons entitled thereto, or to their respective Executors or Administrators, out of the fund standing in the name of the Accountant General of the Court of Chancery to the account entitled "The Suitors' Fee Fund Account," on the third day of *February*, the third day of *May*, the third day of *August*, and the third day of *November* in every Year, or on such other days as the Lord Chancellor shall from time to time direct, free from deduction; and all such salaries, annuities, and allowances as aforesaid which are continued by or under this Act shall be payable out of the aforesaid fund in such priority as they respectively would have had if the several Acts hereby repealed had not been repealed; and all such salaries, annuities, and allowances as aforesaid which are or shall be originally by or under this Act charged upon the aforesaid fund shall be payable and paid out of the same fund, subject and without prejudice to the payment of all other sums of money by any former Act or Acts now in force directed or authorized to be paid thereout. *

*Per-centage
and Fees.*

And whereas it would greatly facilitate the simplification and improvement of the Practice in Lunacy, and would be attended with convenience, and with a saving of expense to the estates of Lunatics, that the charges incident to the administration of the estates of Lunatics under the authority of the Lord Chancellor should be defrayed in part by means of a per-centage, graduated in an equitable manner as between the richer and poorer estates, and in part by means of fees on proceedings: Be it therefore enacted as follows:

*Per-centage
on clear
Incomes to
be paid
according to
the Scale
herein
specified.*

XXVI. A per-centage on the respective clear annual incomes of all Lunatics shall be paid according to the several rates following; that is to say,

The rate of four *per Centum* for each clear annual income amounting to One hundred pounds and not amounting to One thousand pounds, but so that no larger sum be payable in any such case in any one year than Thirty pounds;

The rate of three *per Centum* for each clear annual income amounting to One thousand pounds and not amounting to Five thousand pounds, but so that no larger sum be payable in any such case in any one year than One hundred pounds; and

The rate of two *per Centum* for each clear annual income amounting to Five thousand pounds or upwards, but so that no larger sum be payable in any such case in any one year than Two hundred pounds:

And in every case the fractional parts less than one moiety of the pound sterling shall be disregarded in the calculation of the amount payable for per-centage, and shall not be levied or paid.

*Masters to
certify
amount,
&c., which*

XXVII. The Masters shall from time to time certify what is the amount of each such clear annual income as aforesaid, and of the per-centage payable thereon, and who is the Committee or other person who is

* *Vide 25 and 26 Vict., c. 86, sec. 27.*

to pay the same, and thereupon such Committee or other person as aforesaid shall pay the same out of the first monies coming to his hands in respect of the income of the Lunatic.

shall be paid out of the income of the Lunatic.

XXVIII. The per-centage aforesaid, or a proper proportionate part thereof (as the case may require), shall be chargeable and charged upon the estate of a Lunatic, and be payable thereout, although before payment thereof he die, or the Inquisition in his case be superseded, or be vacated and discharged on a Traverse; but in either of the two cases last aforesaid the Lord Chancellor intrusted as aforesaid may, if he see fit, remit or reduce the amount of the sum to be paid; and the payment of the amount in every case shall be enforced in such manner and under such regulations as the Lord Chancellor, with the advice and assistance of the Lords Justices, being intrusted as aforesaid, shall from time to time direct.

Per-centage to be paid notwithstanding death, &c., before payment.

XXIX. All fees now payable in relation to proceedings in Lunacy shall be and the same are hereby abolished, and in lieu thereof there shall be paid the following fees only; that is to say,

Present Fees abolished, and new Fees substituted.

For each Order or Fiat of the Lord Chancellor intrusted as aforesaid	...	...	...	...	...	£	s.	d.
						2	0	0

For each Report or Certificate of the Masters and Taxing

Masters respectively (other than a certificate of the

Masters respecting income and per-centage only)	...	1	0	0
---	-----	---	---	---

For attending any Court by the Clerk, <i>per diem</i>	...	1	0	0
---	-----	---	---	---

And for all engrossments, transcripts, and copies of documents and papers, the actual amount of the stationer's charges paid by the Masters and Registrar respectively for the same.

XXX. The Lord Chancellor may, with the advice and assistance aforesaid, by Order, from time to time reduce the several rates of per-centage aforesaid or any of them, and again, if it shall seem to him expedient, from time to time to raise the same several rates or any of them, but not to rates higher than those respectively hereinbefore prescribed, and also may, with the like advice and assistance, by Order, from time to time vary or abolish the fees aforesaid or any of them, or other the fees for the time being payable in relation to proceedings in Lunacy, or any of them, and, if and when it shall seem to him necessary or expedient, fix and impose other fees, or fees of altered amount.

Power to Lord Chancellor to alter per-centage and Fees.

XXXI. The per-centage and the fees for the time being payable under this Act shall be collected by means of stamps, which shall be under the management of the Commissioners of Inland Revenue; and the provisions of the Act of the last session of Parliament for "The Relief of the Suitors of the High Court of Chancery," respecting stamps, and the monies arising from the sale thereof, shall be and are and every of them is hereby extended so as to be applicable and applied, *mutatis mutandis*, to stamps to be used under this Act, and the monies arising from the sale thereof.

Per-centage and Fees to be collected by Stamps, and provisions of 15 & 16 Vict. c. 87, respecting Stamps, &c., extended to this Act.

XXXII. Where it is made to appear to the Lord Chancellor intrusted as aforesaid that the net amount or the net estimated value of the pro-

Power to exempt small Properties.

perty of a Lunatic does not exceed the sum of Seven hundred pounds sterling in respect of the corpus thereof, or a sum of Fifty pounds sterling per Annum in respect of the income thereof, he may order (if he shall think fit) that no fees shall be taken or paid, or per-centage be levied or paid, in relation to the proceedings in the matter or the property, as from the date of the order or such other time as he shall direct, during the continuance of the Lunacy or until further order. *

Provisions respecting Per-centage and Fees to apply to cases under 8 & 9 Vict. c. 100, and to certain cases where Lunatic is out of jurisdiction.

XXXIII. All the foregoing provisions respecting fees and per-centage shall be applicable to the proceedings in the matter of and to the property of a Lunatic under the protection of the Lord Chancellor intrusted as aforesaid by virtue of proceedings taken under the provisions of the Act of the session of Parliament holden in the eighth and ninth years of the reign of Her Majesty, chapter one hundred, section ninety-five, and also to the proceedings in the matter of and to the property of a Lunatic under the protection of the Lord Chancellor intrusted as aforesaid by virtue of the transmission of the record of an Inquisition from *Ireland*, and its entry of record in the Chancery of *England*, and also to the proceedings in the matter of and to the property of a person residing out of *England* and *Wales*, and declared idiot, Lunatic, or of unsound mind according to the laws of the place where he is residing, where the Lord Chancellor intrusted as aforesaid makes an order affecting the stock or any portion of the capital stock or shares of such person as last aforesaid, or the dividends thereof; and the aforesaid provisions shall be applied to the several classes of cases mentioned in this present section in such manner and under such regulations as the Lord Chancellor shall, with the advice and assistance aforesaid, from time to time order, but so that no per-centage be levied or paid in either of the two last-mentioned cases except in respect of income arising from property being within the jurisdiction of the Lord Chancellor intrusted as aforesaid, and being administered by him or under his authority and direction.

Repeal of 3 & 4 W. 4, c. 36, imposing a per-centage for Visitors of Lunatics.

And whereas the per-centage which is now, under the provisions of the Act passed in the session of Parliament holden in the third and fourth years of the reign of King *William* the Fourth, chapter thirty-six, imposed upon the estates of Lunatics, and paid into the Bank of England, in the name and with the privity of the Accountant General of the Court of Chancery, to an account entitled "The Account of the Board of Visitors for the Better Care and Treatment of Lunatics," will be discontinued under this Act: be it therefore further enacted as follows:

Sums due for this per-centage to be paid.

XXXIV. Every Committee, Receiver, or other person who is or shall be liable to pay any money in respect of the per-centage last aforesaid shall, notwithstanding this Act, pay the same into the Bank, in the manner now used, either to the account last aforesaid, or, after it has been closed as hereinafter provided, to the said "Suitors' Fee Fund Account," and be allowed the same on passing his accounts before the Masters.

* Vide 25 and 26 Vict., c. 86, Sec. 12-15 (*post*).

XXXV. All salaries and other sums of money payable out of the monies standing to the credit of the "Account of the Board of Visitors for the Better Care and Treatment of Lunatics" shall continue to be payable thereout, until the account shall be closed as hereinafter is provided, and shall be paid thereout accordingly in the manner now used.

Salaries, &c., charged on this percentage to continue payable thereout for a limited time.

XXXVI. The last-mentioned account shall be closed on the third day of December next after the passing of this Act, or on such other day as the Lord Chancellor, with the advice and assistance aforesaid, shall order, and the balance which shall then be remaining on the same account shall be carried over to the said "Suitors' Fee Fund Account," under order of the Lord Chancellor.

Account to be closed, and balance carried to Suitors' Fee Fund.

XXXVII. The account of monies received and paid on the "Account of the Board of Visitors for the Better Care and Treatment of Lunatics," not previously audited, shall, as soon as may be after the closing of the account, be made out by the Secretary to the Visitors, and be audited and signed by the Master in Ordinary of the High Court of Chancery, or other officer to whom the matter of the account shall then stand referred, and shall be afterwards filed with the Registrar in Lunacy, and no fee shall be charged or taken upon, for, or in respect of the auditing or filing thereof.

Account to be audited.

And with respect to the Inquisition, be it further enacted as follows:—

Inquisition.

XXXVIII. Any Commission in the nature of a Writ *de Lunatico Inquirendo* directed to one person or to two persons, and the Inquisition returned thereon, shall be as valid and effectual to all intents and purposes as if directed to and returned by more than two persons; and every Commission shall (subject to the provisions hereinafter contained) be directed to the Masters, or one of them, and may be varied in form from that now in use in such manner as to the Lord Chancellor may seem necessary or expedient.

Commissions may be directed to fewer than three persons, and shall be directed to Masters.

XXXIX. In lieu of the Commission now issued specially in each case of alleged lunacy, a General Commission to the like effect, with such variations as may be necessary or expedient, may from time to time be issued in duplicate under the Great Seal, directed to the Masters by name, jointly and severally, who shall by virtue thereof proceed, in each case of alleged lunacy concerning which the Lord Chancellor intrusted as aforesaid shall order them to inquire, in like manner and with all the like powers and authorities, (subject to the provisions hereinafter contained) as if a Commission had issued specially in such case, and every Inquisition* found and returned thereon shall be as valid and effectual to all intents and purposes as if the same had been found and returned on a separate Commission. †

General Commission may be issued directed to Masters.

XL. Where the alleged Lunatic is within the jurisdiction, he shall have notice of the presentation of the Petition for Inquiry, and may, by

Alleged Lunatic, within jurisdiction,

* An error in the name of a Lunatic in the Inquisition and other proceedings, may be corrected by an Order. *Re Crawford*, 1 Myl. and Cr., 240.

† *Vide Act 25 and 26 Vict., c. 86, sec. 3, 4, 11. (See post.)*

to have notice, and may demand an inquiry before a jury.

Where alleged Lunatic demands a jury, Lord Chancellor may examine him as to competency, and order a jury.

Cases where a jury may be dispensed with.

Jury to be had, if Masters certify that it is expedient.

Certificate of Masters without a jury to be deemed an Inquisition.

a notice, signed by him, and attested by his solicitor, and filed with the Registrar, either before the presentation of the Petition or within seven days after such notice had by him as aforesaid, or at or within such other time as the Lord Chancellor intrusted as aforesaid shall order in the particular case, demand an inquiry before a jury.*

XXI. Where the alleged Lunatic demands an Inquiry before a jury, the Lord Chancellor intrusted as aforesaid shall in his Order, for Inquiry direct the return of a jury, unless he be satisfied, by personal examination of the alleged Lunatic, that he is not mentally competent to form and express a wish for an Inquiry before a jury; and the Lord Chancellor intrusted as aforesaid may, where he shall deem it necessary, after presentation of the Petition for Inquiry, and for the purpose of personal examination, require the alleged Lunatic to attend him at such convenient time and place as he may appoint.†

XLII. Where the alleged Lunatic does not demand an Inquiry before a jury, or the Lord Chancellor intrusted as aforesaid is satisfied by personal examination of him, that he is not mentally competent to form and express a wish in that behalf, and it appears to the Lord Chancellor intrusted as aforesaid, upon consideration of the evidence adduced before him on the Petition for Inquiry, and of the circumstances of the case, so far as they are before him, to be unnecessary or inexpedient that the Inquiry should be before a jury, and he accordingly does not in his Order for Inquiry direct the return of a jury, then the Masters shall, by virtue of their General Commission, and under such Order for Inquiry, but without a jury, personally examine the alleged Lunatic, and take such evidence, upon oath or otherwise, and call for such information, as they may think fit or the Lord Chancellor intrusted as aforesaid may direct, in order to ascertain whether or not the alleged Lunatic is of unsound mind, and shall certify their finding thereon. †

XLIII. Where the Lord Chancellor intrusted as aforesaid, under such circumstances as hereinbefore mentioned, does not in his Order for Inquiry, direct the return of a jury, but the Masters acting under the Commission, upon consideration of the evidence before them, certify to him, that in their opinion an Inquiry before a jury is expedient, they shall, without further Order, issue their precept to the Sheriff, and shall proceed in like manner in all respects, and their proceedings shall be as valid and effectual, to all intents and purposes, as if the Lord Chancellor intrusted as aforesaid had directed the return of a jury in the first instance. †

XLIV. Where the Masters certify that the alleged Lunatic is of unsound mind, and incapable of managing himself or his affairs, or that he is of unsound mind, and incapable of managing himself or his affairs, and has been so from a time past, or, on the contrary, certify that the alleged Lunatic is of sound mind, and capable of managing himself and

* *Vide Act 25 and 26 Vict., c 86., sec. 3, 4, 11. (See post.)*

† *Vide same Act, sec. 4, 6, 8, 9.*

his affairs, the Certificate shall be and be deemed to be an Inquisition, and be of the same force and effect, to all intents and purposes, and be returned, filed, and proceeded on in the same manner in all respects as an Inquisition taken upon the oath of a jury.

XLV. Where the alleged Lunatic is not within the jurisdiction, the Inquiry shall be before a jury, and no further or other notice shall be necessary to be given to him than he would have been entitled to receive if this Act had not been passed. *

Jury to be had if Lunatic out of jurisdiction.

XLVI. The Lord Chancellor may from time to time, by Order, regulate the number of jurors to be sworn, but so that every Inquisition upon the oath of a jury be found by the oaths of twelve men, at the least. *

Lord Chancellor may regulate number of jury.

XLVII. The Inquiry, whether with or without a jury, shall, as far as relates to the state of mind of the alleged Lunatic, be confined to the question whether or not the alleged Lunatic is of unsound mind, and incapable of managing himself or his affairs, at the time of the Inquiry, except where the Lord Chancellor intrusted as aforesaid, under special circumstances, shall direct that there be also an Inquiry from what time the alleged Lunatic has been of unsound mind, and incapable of managing himself or his affairs, or shall direct that there be also an Inquiry whether or not the alleged Lunatic was of unsound mind, and incapable of managing himself and his affairs, at a previous time specified and thenceforth down to the time of the Inquiry. †

Inquiry not to be carried back except under special Order.

XLVIII. The person executing an Inquiry with a jury shall, while so employed, have all the like powers, authorities, and discretion as a Judge of a Court of Record.

Commissioner, with jury to have powers of Judge of Court of Record.

XLIX. The foregoing provisions "with respect to the Inquisition" shall apply only where the Petition for Inquiry is presented after the commencement of this Act; and every Petition for Inquiry theretofore presented, and on which an Order has not then been made, shall, with respect to the Inquisition, be proceeded on as if this Act had not been passed.

The foregoing provisions prospective only.

L. Nothing in this Act contained shall be taken to preclude the Lord Chancellor from issuing a Commission specially in any case of alleged Lunacy, or from issuing a Commission directed to any fit person or persons, in addition to the Masters, or one of them, if he shall upon any occasion deem it proper to do so; and the foregoing provisions shall be deemed to extend to every Commission so issued specially, or so directed as aforesaid, so far as they may be applicable.

Nothing to preclude the Lord Chancellor from issuing a Special Commission.

LI. Where in any Act of Parliament, Order, or Rule of Court, or Instrument whatsoever, Reference is made to a Commission in the nature of a Writ *de Lunatico Inquirendo*, or the Inquisition thereon, the General Commission hereby authorized to be issued, and such Inquisition or Certificate operating as an Inquisition, as is hereby authorized to be

Reference in other Acts to Commission shall apply to General Commission hereby authorized to be issued.

* *Vide* Act 25 and 26 Vict., c. 86, sec. 3, 4, 6, 7, 8, 9. (See *post*.)

† *Vide* same Act, sec. 11, as to costs of proceedings.

made and returned, shall be deemed to be intended by or comprehended in the Reference.

Inquisition and Supersedeas may be transmitted from and to Ireland and England, and be acted upon there respectively.

LII. Where it is desired that an Inquisition taken on a Commission issued under, or a Writ of Supersedeas thereof issued under, the Great Seal of the United Kingdom or under the Great Seal of *Ireland* respectively, should be acted upon in *Ireland* or in *England* respectively, the proper officer may, under Order of the Lord Chancellor of *Great Britain*, or the Lord Chancellor of *Ireland*, as the case may be, transmit a transcript of the record of the Inquisition, or of the Writ, to the Chancery of *Ireland* or of *England*, as the case may be, which transcript shall thereupon be entered and be of record there respectively, and shall, when so entered of record, and if and so long only as the Lord Chancellor of *Ireland* intrusted as aforesaid, and the Lord Chancellor of *Great Britain* intrusted as aforesaid, as the case may be, shall see fit, be acted upon by them respectively, and be of the same validity and effect, to all intents and purposes, as if the Inquisition had been taken on a Commission issued under, or the Writ of Supersedeas had been issued under, the Great Seal of *Ireland* or of the United Kingdom respectively.

And whereas proceedings under Commission confer larger and more effectual powers for the due protection, care, and management of the persons and estates of persons of unsound mind than proceedings under the Act of the Session of Parliament holden in the eighth and ninth years of the reign of Her Majesty, chapter one hundred, sections ninety-four to ninety-eight (both inclusive),* and the expenses of proceedings under Commission will be much diminished by this Act: Be it therefore further enacted as follows:

Proceedings under 8 & 9 Vict., c. 100, to be discontinued.

LIII. It shall not be lawful for the Lord Chancellor intrusted as aforesaid to direct that one of the Masters shall make such examination as by the ninety-fifth section of the last-mentioned Act is authorized * in any case in which a Petition or a Report upon which such direction of the Lord Chancellor intrusted as aforesaid might be founded shall not have been presented or made before the commencement of this Act.

Inquiry may be ordered on Report of Commissioners.

LIV. Where the Commissioners in Lunacy for the time being shall after the commencement of this Act, by virtue of any authority for the time being enabling them in that behalf, report to the Lord Chancellor intrusted as aforesaid that they are of opinion that the property of any person alleged to be a Lunatic, or detained or taken charge of as a Lunatic, but not so found by Inquisition, is not duly protected, or that the income thereof is not duly applied for his benefit, or to the same effect, the Report shall be filed with the Registrar, and shall be deemed and taken to be tantamount to an ordinary Petition for Inquiry supported by evidence, and the alleged Lunatic shall have notice of the Report from such person as the Lord Chancellor intrusted as aforesaid shall from time to time direct, and the case shall proceed and be con-

* *Vide* the several clauses here referred to in the Appendix.

ducted as nearly as may be in all respects as is hereinbefore directed upon the presentation of a Petition for Inquiry.

And with respect to certain of the proceedings after Inquisition, be it further enacted as follows: *Proceedings after Inquisition.*

LV. The Masters may direct that the evidence in the matter of a Lunatic or on any particular proceeding in the matter be taken orally, or partly orally and partly by affidavit, and it shall be so taken accordingly. * *Evidence may be oral, &c.*

LVII. The Masters may, in the matter of a Lunatic or alleged Lunatic, administer an oath to any witness, whether his deposition or affidavit is to be used before themselves or not, and recognizances may be taken and acknowledged before them. * *Masters may administer oaths and take recognizances.*

LVII. The provisions of the Act of the last Session of Parliament, chapter eighty-six, sections twenty-two, twenty-three, and twenty-four, † *Swearing of affidavits in the Colonies, &c.*

* *Vide 25 and 26 Vict., c. 86, sec. 18 (post).*

† The following are the clauses here referred to:—

15th and 16th Victoria, c. 86.

Pleas, Declarations, &c., in Chancery, how to be sworn and taken in Scotland, Ireland, the Channel Islands, &c.

XXII. All pleas, answers, disclaimers, examinations, affidavits, declarations, affirmations, and attestations of honour in causes or matters depending in the High Court of Chancery, and also acknowledgments required for the purpose of enrolling any deed in the said Court, shall and may be sworn and taken in *Scotland or Ireland, or the Channel Islands*, or in any Colony, Island, Plantation, or Place under the dominion of Her Majesty in Foreign parts, before any Judge, Court, Notary Public, or Person lawfully authorised to administer oaths in such Country, Colony, Island, Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice-Consuls in any Foreign parts out of Her Majesty's dominions; and the Judges and other Officers of the said Court of Chancery shall take judicial notice of the seal or signature, as the case may be, of any such Court, Judge, Notary Public, Person, Consul, or Vice-Consul, attached, appended, or subscribed to any such pleas, answers, disclaimers, examinations, affidavits, affirmations, attestations of honour, declarations, acknowledgments, or other documents to be used in the said Court.

Penalty for falsely swearing, &c.

XXIII. All persons swearing, declaring, affirming, or attesting before any person authorised by this Act to administer oaths, and take declarations, affirmations, or attestations of honour, shall be liable to all such penalties, punishments, and consequences, for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before any Court or Persons now by law authorised to administer oaths, and take declarations, affirmations, or attestations upon honour.

Penalty for forging signature or seal of Judge, &c., empowered to administer oaths under this Act.

XXIV. If any person shall forge the signature or the official seal of any such Judge, Notary Public, or other Person lawfully authorised to administer oaths under this Act, or shall tender in evidence any plea, answer, disclaimer, examination, affidavit, or other judicial or official document with a false or counterfeit signature or seal of any such Judge, Court, Notary Public, or other person authorised as aforesaid attached or appended thereto, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of Felony, and shall be liable to the same punishment as any offender under an Act passed in the eighth and ninth years of the Reign of Her present Majesty, intituled, "*An Act to Facilitate the Admission in Evidence of certain Official and other Documents.*"

respecting affidavits made in causes or matters depending in the High Court of Chancery, shall be and the same are hereby extended so as to be applicable, *mutatis mutandis*, to affidavits made in matters in Lunacy.

Form of Affidavits.

LVIII. Every affidavit to be used in a matter in Lunacy shall be taken and expressed in the first person of the deponent, and shall be divided into paragraphs numbered consecutively, and respectively confined, as nearly as may be, to distinct portions of the subject matter.

Short Form of Affidavit for verification of Documents, as in Schedule III.

LIX. Where an affidavit is required for verifying all or some of the statements contained in a Petition, state of facts, proposal, or other document, the affidavit may be annexed or underwritten thereto, and may be in the form set forth in the third schedule hereunder written, with such variations as the circumstances may require; and where the aforesaid form is, in the opinion of the Taxing Master, applicable, no further or greater costs of any affidavit shall be allowed on taxation than would be allowed for an affidavit in the aforesaid form.

Witnesses may be cross-examined orally.

LX. Every person giving evidence by affidavit shall be liable to oral cross-examination by or before the Masters, in the same manner as if the evidence given by him in his affidavit had been given by him orally before the Masters, and after cross-examination may be re-examined orally by or on behalf of the person filing the affidavit; and every person giving evidence by affidavit shall be bound to attend before the Masters, to be so cross-examined and re-examined, upon receiving due and proper notice, and payment or tender of his reasonable expenses, in like manner as if he had been duly served with a Writ of *Subpœna ad Testificandum* before an examiner of the High Court of Chancery; and the expenses attending on such cross-examination and re-examination shall be paid in the first instance by the parties respectively, in like manner as if the witness cross-examined were the witness of the party cross-examining, and shall on taxation be ultimately borne and paid by the estate, or the parties respectively, or one of them, as the Lord Chancellor intrusted as aforesaid shall direct.*

How expenses to be paid.

Masters may issue advertisements.

LXI. The Masters shall be at liberty to cause to be issued from time to time such advertisements as may to them seem expedient with reference to the subject matter of a proposal or inquiry.

Masters to approve of security to be given by Committee of Estate.

LXII. The Masters shall, instead of Her Majesty's Attorney General, approve, on behalf of Her Majesty, of the security to be from time to time given by the Committee of the Estate, under Order of the Lord Chancellor intrusted as aforesaid; and the acts of the Masters with respect to the security and to the grant of the custody shall have the same force and effect to all intents and purposes as the acts of Her Majesty's Attorney General with respect to the same matters now have.

If Her Majesty do not by Her Warrant direct Grant of Custody to

LXIII. In case Her Majesty shall think fit to authorize the Lord Chancellor intrusted as aforesaid to make Orders from time to time for the custody of persons already found or who may hereafter be found idiots or Lunatics as aforesaid, and of their estates, without requiring

* *Vide* 25 and 26 Vict., c. 86, sec. 18.

that any grant or commitment of such custody should be passed under the Great Seal, then any Order to be made by the Lord Chancellor intrusted as aforesaid in pursuance of such authority shall (as to the custody of the person immediately, and as to the custody of the estate upon the Master's Certificate of completion of the Committee's security) have the same force and validity as a grant and commitment of the custody of such idiots or Lunatics and their estates would have had in case the same had been made under the Great Seal, by virtue of any authority for that purpose given by Her Majesty to the Lord Chancellor intrusted as aforesaid, and the provisions of this Act respecting the grant shall be deemed to extend to any Order to be made as aforesaid.

LXIV. Where it is desired and the Masters allow that the approved Committee of the Estate should, in lieu of giving security in the manner now usual by bond or recognizance with sureties, give security, in the whole or in part, by bringing into Court an adequate sum of money or stock, the Masters may by Certificate direct or give liberty for the payment into the Bank of *England*, with the privy of the Accountant General of the Court of Chancery, to the credit of the matter of the Lunatic, of any sum of money, or the transfer into the name and with the privy of the said Accountant General, in trust in the matter of the Lunatic, of any sum of stock, and may specify the account to which the sum of money or stock is to be placed, and may direct how any money is to be invested, or how any dividends are to be applied, and such payment, transfer, investment, and application, as the case may require, shall be made by virtue of such Certificate, and the said Accountant General shall declare the trust of the sum of money or stock when so paid or transferred accordingly, subject to the Order of the Lord Chancellor intrusted as aforesaid.

LXV. Where it appears expedient, either with a view to the reduction of the amount of the security of the Committee of the Estate, or for any other reason, the Masters may without Order receive or deliver out any deed or security belonging to the Lunatic, and may by Certificate direct or give liberty for the payment into the Bank of *England*, with the privy of the Accountant General of the Court of Chancery, to the credit of the matter of the Lunatic, of any sum of money belonging to the Lunatic, or the transfer into the name and with the privy of the said Accountant General, in trust in the matter of the Lunatic, of any sum of stock belonging to the Lunatic, and such payment or transfer, as the case may require, shall be made by virtue of such Certificate, and the said Accountant General shall declare the trust of the sum of money or stock when so paid or transferred accordingly, subject to the Order of the Lord Chancellor intrusted as aforesaid.

LXVI. Where the Masters find and report that several persons are the most fit persons to be appointed the Committees of the Estate or of the Person, and they are of opinion that it is expedient that one or more of the same several persons should continue to be the Committee or Committees after the death or discharge of the others or other of

be under Great Seal, Order of Lord Chancellor shall have the same effect.

Masters may authorize payment or transfer into Court of money or stock as security for Committee.

Masters may receive and deliver out Deeds, &c., of Lunatic, and authorize payment or transfer into Court of money or stock belonging to Lunatic.

Grant of Custody may be extended to surviving or continuing Committees

in certain cases.

them, and such persons are willing so to continue, the Masters may report accordingly; and where the Report is confirmed the approved Committees of the Estate may perfect their securities in such form as to extend to the acts and defaults of one or more of them, in accordance with the Report, and thereupon the grant of the custody of the estate or of the person (as the case may be) shall be made conformably with the Order of custody; and the continuing or surviving Committee or Committees to whom separately the grant extends shall and may continue until further Order to act after the death or discharge of the others or other of them, with all the like powers, authorities, and discretions, and subject to all the like liabilities, as the original Committees.

Form of Allowance of Accounts.

LXVII. The Masters' allowance of the account of a Committee for * Receiver shall be signified under their hands and be written under the account, but no Certificate shall be made, except where it may be specially required with a view to payment of money into Court or for some other purpose.

Masters to distinguish items in account which they cannot allow, and the account to be submitted to Lord Chancellor.

LXVIII. Where the Masters are of opinion that any small expenses included in the Committee's or Receiver's account have been properly and reasonably incurred for the benefit or enjoyment of the Lunatic, or the improvement, security, or advantage of his estate, and there is no opposition to the allowance thereof, but it may not be competent to them to allow the same to the Committee or Receiver without the sanction of the Lord Chancellor intrusted as aforesaid, they shall distinguish the items by some mark in their allowance of the account, which shall be made subject to the approval of the Lord Chancellor intrusted as aforesaid, and the account as passed by the Masters shall be submitted by them to the Lord Chancellor, without Petition, for his allowance or disallowance in respect of the items so distinguished by them.

Masters to receive proposals in certain cases.

LXIX. The Masters shall be at liberty, without an Order of Reference, to receive any proposal, and conduct any inquiry, respecting the managing, repairing, setting, or letting of the estate, and to report thereon.

Masters may receive proposals in other cases.

LXX. The Masters shall also be at liberty, without an Order of Reference, to receive any proposal and conduct any Inquiry relating to the estate, not respecting the managing, repairing, setting, or letting hereof, † and any proposal or Inquiry whatsoever relating to the person, and to report thereon respectively, if and when they shall be of opinion that if application were made to the Lord Chancellor intrusted as aforesaid concerning the matter of any such proposal or Inquiry a Reference thereon would be made to the Masters.

Persons objecting to Masters receiving proposal may apply to Lord Chancellor.

LXXI. Where the Masters, without an Order of Reference, receive any proposal or proceed in any Inquiry relating to the estate, not respecting the managing, repairing, setting, or letting thereof, or any proposal or Inquiry whatsoever respecting the person, any person attending before them shall be at liberty to apply by Petition to the Lord Chancellor intrusted as aforesaid, as he may be advised; and thereupon the Masters shall, pending the application, cease from proceeding on the proposal or

* or.

† thereof.

in the Inquiry, unless the Lord Chancellor intrusted as aforesaid otherwise direct.

LXXII. Where the Masters, without an Order of Reference, receive and proceed on a proposal or conduct an Inquiry, but arrive at the opinion that the proposal ought not to be adopted and carried into effect, or that the Inquiry was unnecessary, they shall be at liberty to certify whether or not, regard being had to the circumstances, the proposal or Inquiry was proper to be made; and if they certify in the affirmative, usual and proper costs of the proposal or Inquiry and proceedings thereon shall be allowed on taxation by virtue of their Certificate, but if they certify in the negative the Lord Chancellor intrusted as aforesaid shall direct by whom and in what manner the costs shall be paid and borne.

Masters may certify as to propriety of proposal with regard to costs.

LXXIII. Where any person requires that the Masters should report on a proposal which they have received and proceeded on without an Order of Reference, notwithstanding their opinion that it should not be adopted and carried into effect, the Masters shall report on the proposal, and the Report shall be brought before the Lord Chancellor intrusted as aforesaid by Petition, who shall make such Order upon the Report and respecting the costs as to him shall under the circumstances seem just.

Persons insisting on Report liable to costs.

LXXIV. Where an application is made by Petition to the Lord Chancellor intrusted as aforesaid, either concerning a matter which might have been brought before the Masters in the first instance, or in consequence of the Masters receiving any proposal or proceeding in any Inquiry relating to the estate or the person, the Lord Chancellor intrusted as aforesaid may make such Order respecting the costs of the application and of the consequent proceedings as to him shall, under the circumstances, seem just.*

On application not being made to Masters, costs may be ordered to be paid.

LXXV. Subject to the provisions hereinafter contained, the Masters shall, as soon as may be after the return of the Inquisition, and may afterwards from time to time as they may think it expedient, inquire and certify who are the next of kin, and, subject to the provisions hereinafter contained, due notice of attending on the proceedings in the matter shall be given to the persons for the time being found to be the next of kin.

Masters to inquire as to next of kin, and they are to have notice of proceedings.

LXXVI. Where the Lord Chancellor intrusted as aforesaid by virtue of the power hereinbefore given, exempts the property of a Lunatic from payment of fees and per-centage, the Masters shall not during the continuance of the exemption inquire respecting his next of kin, without special Order.

No Inquiry as to next of kin where property exempted from fees.

LXXVII. The Lord Chancellor intrusted as aforesaid may in any case by Order defer an Inquiry respecting next of kin, or direct that the Inquiry shall be carried on to such limited extent only, and under such restrictions and provisions, and in such manner, as he may under the circumstances of the case think expedient, and may, where he deems it just and expedient, order that persons alleging themselves to be next of

Lord Chancellor may dispense with or limit Inquiry as to next of kin.

* As to costs see also 25 and 26 Vict., c. 86, sec. 11.

kin be left to make out their claim at their own expense, and may in any case, if from the smallness of the property of the Lunatic (although it be not such as to entitle it to exemption from payment of fees and percentage) he think it safe and just, by Order wholly dispense with the Inquiry.

Masters to report where Inquiry as to next of kin inexpedient.

LXXVIII. Where the Masters are of opinion that by reason of the smallness of the property of a Lunatic or for any other reason an Inquiry or a subsequent Inquiry (as the case may be) respecting next of kin should be dispensed with or deferred, or be carried on to a limited extent only, they shall report accordingly.

Masters may dispense with strict proof of pedigree in certain cases.

LXXIX. Where the Masters, in conducting an Inquiry respecting next of kin, without any special direction of the Lord Chancellor intrusted as aforesaid concerning the mode of conducting the same, are of opinion that the circumstances of the case render it expedient and safe that strict proof of pedigree should not be gone into, they may dispense with the same to such extent and in such manner as may to them seem expedient, and may require and receive such evidence as may appear to them sufficient and satisfactory respecting the family and the next of kin, and shall certify the mode in which they have conducted the Inquiry.

Lord Chancellor may dispense with attendance of next of kin.

LXXX. The Lord Chancellor intrusted as aforesaid may, by Order, dispense with and disallow the attendance on the proceedings in the matter of all or some of the next of kin either wholly, or except at their own expense, or except upon special leave first obtained, as he shall under the circumstances think expedient; and such notice only of attending on the proceedings shall be given as shall be conformable with the Order of the Lord Chancellor intrusted as aforesaid.

Masters to determine which of next of kin to attend before them, and to certify, and the same only to attend before Lord Chancellor.

LXXXI. Subject to the provisions hereinbefore contained, the Masters shall once in the matter of each Lunatic, and may afterwards from time to time as they think it expedient, determine whether any one or more, and if any, how many and which, of the next of kin is or are to attend on the proceedings or on any particular proceeding before them in the matter (but exclusively, as at present, of the heir at law, with respect to notice of or attendance on the account of the Committee of the Estate), and the person or persons alone (if any) to whom the Masters have given liberty to attend, shall be entitled to notice of or shall be allowed to attend, at the cost of the estate, on any proceeding, or on such particular proceeding as aforesaid (as the case may be), before the Masters, except upon their special leave first obtained; and the same person or persons alone (if any) to whom the Masters have given liberty to attend on the proceedings before them in the matter generally shall be entitled to notice of or shall be allowed to attend, at the cost of the estate, on any proceeding before the Lord Chancellor intrusted as aforesaid, except upon his special leave first obtained, and for that purpose the Masters shall, from time to time as occasion may require, certify who is or are the person or persons (if any) to whom they have given liberty to attend on the proceedings before them in the matter generally.

Masters may appoint

LXXXII. Where an infant, being one of the next of kin, and being

at liberty to attend on the proceedings, has no guardian, the Masters may from time to time, by Certificate, appoint a fit person to be his guardian for the purposes of the Lunacy, who shall thereupon, for the purposes of the Lunacy only, and not further or otherwise, have all the same powers, authorities, and discretion as if he had been duly constituted guardian by the Court of Chancery; and the Masters may, from time to time, by Certificate, revoke any such appointment, and appoint another fit person to be the guardian, *toties quoties*.

Guardian
for Lunacy.

LXXXIII. The Masters may, where it seems expedient, consolidate or carry on together similar proceedings before them in the matters of several persons being members of the same family, and may in that case, and also where it does not seem expedient that the proceedings should be consolidated or carried on together, use in the matter of one member of a family evidence filed or taken in the matter of another member or other members of the same family, when and so far as it may be applicable.

In cases of
members of
same family,
proceedings
may be con-
solidated,
and evi-
dence inter-
changed.

LXXXIV. The Masters may, on being satisfied of a Lunatic's death, without Order, open and read any paper writing deposited with them, and purporting or alleged to be his Will, for the purpose of ascertaining who is therein nominated executor thereof, and also whether or not there is any and what direction therein contained concerning his funeral or place of interment, and then deliver the same to the Registrar or other proper officer of the Prerogative or other proper Ecclesiastical Court, to the intent that the same may be exhibited in the usual course, and dealt with according to law, and shall certify the death, and the opening and delivering out of the paper writing accordingly.

Masters may
open and
deliver out
Will.

LXXXV. The Masters shall be at liberty, without Order of Reference, to inquire and report whether or not any person residing out of *England* and *Wales*, and where, has been declared idiot, Lunatic, or of unsound mind, and whether or not his personal estate, or some and what part thereof, has been vested in a curator, or other and what person appointed for the management thereof, according to the laws of the place where the person is residing, and whether or not any and what stock, portion of the capital stock, or share of any and what company or society, is standing in the name of or is vested in that person, and what is his interest therein.

Masters may
inquire re-
specting in-
terest in
stock of
Lunatic re-
siding out of
jurisdiction.

LXXXVI. Subject to the provisions of this Act, and to the General Orders in Lunacy for the time being in force, and to any Order of the Lord Chancellor intrusted as aforesaid, the Masters may, if they think fit, dispense with any summons ordinarily taken out in the course of the proceedings before them, and direct and require any party attending before them to take out a summons for a particular purpose or within a particular time, and fix the time at which any particular summons shall be returnable before them, or at or within which any proceeding necessary or proper to be taken before them shall be taken, and may proceed *de die in diem* or adjourn the proceedings before them, as they may see fit.

Masters may
direct times,
&c., of pro-
ceeding be-
fore them.

Masters to inquire into delays.

LXXXVII. The Masters shall from time to time inquire into the circumstances of any delay in the conduct of proceedings before them, or in proceeding upon their Reports, Certificates, or Decisions, and for that purpose may call before them all parties concerned, and may report accordingly, where it seems expedient.

Masters may disallow costs.

LXXXVIII. The Masters may, by Certificate, disallow, wholly or in part, the costs of any proceeding or document taken or used or proposed to be taken or used before them; and the costs of the attendance of Counsel before them shall not be allowed on taxation, unless they certify that such attendance was proper, and for the security or advantage of the Lunatic or his estate.

Documents not to be of unnecessary length.

LXXXIX. The affidavits, Petitions, and other documents brought into the offices of the Masters or Registrar shall not contain unnecessary recitals or statements of proceedings or documents previously taken or used in the matter; and the Taxing Master shall look into all such affidavits, Petitions, and other documents as aforesaid, and deal in such manner as to them seems just with the costs of any affidavit, Petition, or other document appearing to them to be unnecessary or improper, in the whole or in part, or of unnecessary length. *

Masters may report decision pending inquiry.

XC. The Masters shall be at liberty to report specially to the Lord Chancellor intrusted as aforesaid any decision at which they may arrive, or any other matter relating to any Inquiry or proposal pending before or under consideration by them, in order to obtain a decision or direction by or from him for their guidance in the further prosecution of the inquiry or consideration of the proposal.

Form of Reports.

XCI. The Masters' Reports shall be divided into paragraphs, numbered consecutively, and respectively confined, as nearly as may be, to distinct portions of the subject matter, and with such appropriate headings prefixed to all or any of the paragraphs as may be convenient.

Reports to be filed with Registrar in Lunacy only.

XCII. The Reports of the Masters, whether confirmed by Fiat or not, under the provisions hereinafter contained, and their Certificates, and all other Reports and Certificates made in matters in Lunacy, (except the Reports of the Visitors hereinafter provided for), shall be left by the Masters, Taxing Masters, and other officers making the same respectively, with the Registrar in Lunacy, by whom the same shall be filed, and it shall not be necessary that they or any of them should be filed elsewhere; and the Accountant General of the Court of Chancery, and all other persons, and the Governor and Company of the Bank of *England*, shall, as occasion may require, act upon or in relation to any Report, and the Fiat thereon (if any), or any Certificate so filed, in like manner as if

* Scandal, &c., if introduced into affidavits, &c., may be expunged by the Court. *Re Le Heup*, 18 Ves. 221; and *Coll. Lun.*, 214. Addressing letters to the Court on the subject of pending proceedings, and publishing a pamphlet reflecting on the conduct of those in the management of a Lunatic's affairs are matters regarded as a high contempt of Court, exposing the parties concerned to commitment and payment of costs. *Ex parte Jones*, 13 Ves. 237; *Re D. O. D., Sombre*; 1 Mac. and Gor., 116; *Roach v. Garvan*, 2 Dick. 794.

the Report or Certificate had been filed also in the Report Office of the Court of Chancery, according to the practice formerly used.

XCIII. Any person objecting to a draft Report of the Masters, and desiring to prosecute the objection, shall bring in before the Masters a statement of objections in writing, and thereupon the Masters shall be at liberty to review the draft objected to; and after review, or the refusal of the Masters to review, the person objecting may bring in before the Masters a notice in writing, stating that he insists on the objections or any one or more of them; and all the objections not so insisted on shall be considered as abandoned.

Objections to Report may be brought in.

XCIV. No person shall, except upon special leave of the Lord Chancellor intrusted as aforesaid first obtained, present a Petition against the confirmation of a Report, but in every case, on the hearing of the Petition for confirmation of the Report, any objections insisted on as aforesaid may be brought forward in opposition to the confirmation of the Report, without any exceptions or cross Petition.

No Petition against Confirmation, but objections to be brought forward on Petition for Confirmation.

XCV. Where no statement of objections is brought in, or all the objections contained in a statement brought in are abandoned, the Report shall be submitted to the Lord Chancellor intrusted as aforesaid for confirmation, without Petition, and without the attendance of parties, except where from the special nature or circumstances of the case the Masters are of opinion that the Report ought to be brought before the Lord Chancellor intrusted as aforesaid by Petition, and by endorsement on the Report under their hands shall so direct accordingly.

Reports not objected to may be confirmed without Petition.

XCVI. Where a Report is to be submitted for confirmation without Petition it shall contain the directions consequential on the confirmation thereof, and the Fiat of the Lord Chancellor intrusted as aforesaid on the Report shall give it the operation of an Order of the Lord Chancellor intrusted as aforesaid made upon Petition, subject to such other directions and provisions (if any) as the Lord Chancellor intrusted as aforesaid may think fit.

Such Reports to contain consequential Directions, and Fiat of Lord Chancellor to give them operation of Orders.

XCVII. The Reports of the Masters shall be brought before the Lord Chancellor intrusted as aforesaid for confirmation, by Petition, in each of the cases following:—

Cases in which Reports shall not be confirmed without Petition.

1. Where the Lord Chancellor intrusted as aforesaid, on referring a matter to the Masters to inquire and report, so directs;
2. Where a statement of objections is brought in, and all the objections are not abandoned;
3. Where the Masters, having regard to the special nature or circumstances of the case, as hereinbefore provided, so direct;
4. Where no Order is made on the Report being submitted for confirmation without Petition;

And in such other cases as are herein mentioned, and as the Lord Chancellor, with the advice and assistance aforesaid, shall from time to time by General Order direct.

And with respect to Orders in Lunacy, be it further enacted as Orders, follows:

Form of
Orders.

XCVIII. Every Petition shall be filed before an Order thereon shall be passed, and the Order shall not recite any part of the statements contained in the Petition, and only such part (if any) of the prayer as may be necessary, and an Order shall not state any part of a Report, except the Masters conclusion or opinion, or so much thereof as may be necessary; and the Lord Chancellor, with the advice and assistance aforesaid, may and shall from time to time make such General Orders as to him shall seem meet for embodying (as far as may be) such provisions and directions as are now commonly or frequently inserted in Orders, and are not provided for by this Act, and for dispensing (as far as may be) with the formal parts of Orders as now drawn up.

Orders to be
communicated
to
Masters.

XCIX. Every Order of the Lord Chancellor intrusted as aforesaid in a matter in Lunacy shall be communicated by the Registrar to the Masters, whether any matter is thereby referred to them or not.

Orders to be
entered by
the Registrar,
and
office copies
to be furnished
and
signed by
him.

C. Every Order made in a matter in Lunacy by the Lord Chancellor intrusted as aforesaid when drawn up by the Registrar in Lunacy and signed by the Lord Chancellor intrusted as aforesaid shall be entered by the Registrar in Lunacy in a proper book to be provided by him for that purpose, and he shall furnish office copies of any Order or of any Report, confirmed by Fiat, or of any part thereof respectively, signed by him, and sealed or stamped with the seal of his office, to every party in the matter or other person entitled thereto who shall require the same; and every office copy of the whole of an Order or Report confirmed as aforesaid, purporting to be so signed and sealed or stamped with such seal, shall at all times, and on behalf of all persons, and whether for the purposes of this Act or otherwise, be admitted as evidence of the Order or Report confirmed as aforesaid of which it purports to be a copy, without any further proof thereof. *

Money Orders
to be acted upon
by Accountant
General as if drawn
up by the
Registrar of
the Court of
Chancery.

CI. Where an Order or a Report confirmed by Fiat relates to the payment, transfer, carrying over, or depositing of any cash, stock, funds, annuities, securities, or other effects, to or into the name of, or in the custody of the Accountant General of the Court of Chancery, to the credit of the matter of a Lunatic, or to the payment, transfer, or carrying over or other disposal by the said Accountant General of any cash, stocks, funds, annuities, securities, or other effects standing in his name or deposited in his custody to the credit of the matter of a Lunatic, or of any cash, stocks, funds, annuities, securities, or other effects to or in which a Lunatic is entitled or beneficially interested, and which are not standing in trust in a cause or matter depending in the Court of Chancery, the said Accountant General and all other persons, and the Governor and Company of the Bank of *England*, shall act upon the Order signed by the Lord Chancellor intrusted as aforesaid, after the same has been entered as hereinbefore provided, or upon an office copy of the Report confirmed by Fiat, and thence receiving the operation of an Order after the same has been filed as hereinbefore provided, in the same manner

* *Vide* 25 and 26 Vict., c. 86, sec. 29.

as if an Order had been drawn up by the Registrar of the Court of Chancery, and passed and entered in the Court of Chancery according to the practice formerly used; and the Registrar in Lunacy, in case of an Order, and the Masters in case of a Report confirmed by Fiat, shall certify under their hands respectively to the said Accountant General what stocks, funds, annuities, securities, or other effects are by virtue of any such Order or Report confirmed as aforesaid (as the case may be) to be sold, transferred, or delivered out, in the same manner as the Registrars of the Court of Chancery were formerly accustomed to do.*

CII. If any person shall forge the signature of the Registrar in Lunacy, or shall forge or counterfeit the seal of his office, or knowingly concur in using any such forged or counterfeited signature or seal, or shall tender in evidence any document with a false or counterfeit signature of such Registrar, or with a false or counterfeit seal, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall be liable to the same punishment as any offender under an Act of the session of Parliament holden in the eighth and ninth years of the reign of Her Majesty, chapter one hundred and thirteen.

CIII. The foregoing provisions, "with respect to certain of the proceedings after Inquisition," and "with respect to Orders," shall be applicable and applied, as far as may be, to the proceedings in the matters of Lunatics under the protection of the Lord Chancellor intrusted as aforesaid, by virtue of proceedings taken under the Act of the session of Parliament holden in the eighth and ninth years of the reign of Her Majesty, chapter one hundred, section ninety-five.

And with respect to the visiting of Lunatics be it further enacted as follows:†

OIV. Each Lunatic shall be personally visited and seen by one at the least of the Visitors, according to the provisions of the next following section, once at the least in each year, or oftener, and at such times as the Lord Chancellor intrusted as aforesaid may direct, or, in the absence of his directions, as the Board of Visitors may think expedient.‡

CV. The Medical Visitors shall continue to visit Lunatics as at present, and the Legal Visitors to be appointed after the commencement of this Act, shall also respectively visit Lunatics; and the visits of the several Visitors shall be from time to time regulated as the Lord Chancellor intrusted as aforesaid may direct, or, in the absence of his directions, as the Board of Visitors may deem necessary or advisable, in such manner that, as far as circumstances will admit, every Lunatic may from time to time and in due succession, be visited by the Legal Visitor, either alone or in company with one of the Medical Visitors.‡

CVI. The Visitors shall respectively, within a convenient time after

* *Vide* 25 and 26 Vict., c. 86, sec. 29. *Vide* note to sec. 140 (*post*).

† *Vide* 25 and 26 Vict., c. 86, sec. 19—22, relative to visiting Lunatics, and the duties of the Visitors.

‡ These sections 104 and 105 are repealed by sec. 22 of the Act above referred to.

report to
Lord Chan-
cellor.

each visit, make a Report in writing to the Lord Chancellor intrusted as aforesaid of the state of mind and bodily health and of the general condition, and also of the care and treatment of each person visited and seen by them respectively, which Reports shall, annually or oftener, as the Lord Chancellor intrusted as aforesaid may direct, or the Board of Visitors may think expedient, be submitted to the Lord Chancellor intrusted as aforesaid; and the Visitors respectively shall make separate or special Reports on any case to the Lord Chancellor intrusted as aforesaid as and when they or the Board of Visitors may think expedient, and in particular shall report to him, without delay, any instance in which they respectively, on proceeding to visit, have been unable to discover the then residence of or have been by any other circumstance prevented from actually seeing on that occasion the Lunatic whom they intended to visit.

Visitors'
Reports to
be kept se-
cret, and de-
stroyed on
death, &c.

CVII. The Reports of the Visitors shall be filed and kept secret in their office, and shall be open to the inspection of no person save the members of the Board of Visitors, their secretary and his clerk, and the Lord Chancellor intrusted as aforesaid, and such persons as he may specially appoint; and all the Reports relating to any particular patient shall be destroyed on the death of the patient, and shall also be destroyed on the Inquisition in his case being superseded, or being vacated and discharged on a Traverse, unless the Lord Chancellor intrusted as aforesaid, within fourteen days after the Supersedeas, or the vacating and discharge on a Traverse, specially order that the same be not destroyed until the death.

Management
and Admini-
stration of
Estate.

Committee
to appear
and take
admittance
to copy-
holds.

In default,
Lord may
appoint At-
torney to
take admit-
tance.

And with respect to the management and administration of the estates of Lunatics, be it further enacted as follows: *

CVIII. Where a Lunatic is entitled to be admitted tenant of copyhold land, the Committee of his Estate may appear at one of the three next courts holden for the Manor (for the holding whereof the usual notice shall be given), and there offer himself to be admitted tenant in the name and on behalf of the Lunatic; and in default of his appearance, or of his acceptance of admittance, the Lord or his steward may, after three courts duly holden, and proclamations thereat regularly made, at any subsequent court appoint any fit person to be Attorney for the Lunatic for that purpose only, and by that Attorney admit the

* Under the Act 3 and 4 W. 4, c. 74 (sec. 33, 48, 49), the Lord Chancellor has authority in a case where the Lunatic is tenant for life in possession to consent to the first tenant in tail in remainder, barring the subsequent limitations on a proper case being shown for the exercise of his authority. *Re Blewitt*, 6 Mac. and G., 187. (See also the same case, 3 Myl. and K., 250.) The following cases having relation to this subject, may perhaps be usefully referred to, i.e., *Re Graydon*, 1 Mac. and G., 655; *Re Wood*, 3 M. and C., 266; *Re Newman*, 2 M. and C., 112; *Re Yea*, 3 Myl. and K., 245; *Re Brand*, 1 M. and K., 160. *Vide also Elliot v. Ince*, 7 De G. M. and G., 475. The transfer out of Court of a small sum of stock representing real estate comprised in a settlement was directed on the production of the disentailing deed. (*Re Smythe*, 3 Myl. and K., 249.)

Lunatic tenant of the land, according to such estate as the Lunatic shall be legally entitled to therein.

CIX. The Lord or his steward may upon the admittance impose such fine as might have been legally imposed if the Lunatic had been of sound mind, which fine may be demanded by the Lord's bailiff or agent, by a note in writing signed by the Lord or his steward, to be left with the Committee of the Estate, or with the tenant or occupier of the land.

Fine upon Admittance may be imposed and demanded.

OX. If the fine be not paid or tendered to the Lord or his steward within three months after demand, then the Lord may enter upon and hold the land, and receive the rents and profits thereof, (but without liberty to fell any timber standing thereon,) until he be thereby fully paid the fine, with his reasonable costs and charges of raising the same, and of obtaining the possession of the land, although the Lunatic die before the fine and costs and charges have been raised; of which rents and profits received by the Lord, his steward, bailiff, or servant, the Lord shall yearly, on demand by the person entitled to the surplus thereof, after payment of the fine and costs and charges, or by the person then entitled to the land, render a just and true account, and shall pay the same surplus, if any, to the person entitled thereto; and as soon as the fine and costs and charges have been fully paid, or if, after the Lord's entry, the fine and costs and charges be lawfully tendered to him, then the Lunatic, by the Committee of his Estate or other the person entitled, may enter upon and hold the land, according to his estate or interest therein; and the Lord shall deliver possession thereof accordingly, and if he refuse so to do he shall make satisfaction to the person kept out of possession for all the damages which he shall thereby sustain, and all his costs and charges of recovering possession.

If not paid, &c., Lord may enter, and receive Profits of the Copyhold till he is satisfied, &c.

Lord to account yearly,

And to deliver up possession on satisfaction.

OXI. If the Committee pay the fine and costs and charges, then he, his executors and administrators, may enter upon and hold the land, and receive the rents and profits thereof to his and their own use, until he and they be thereby fully paid the amount disbursed upon that account, although the Lunatic die before his and their reimbursement.

Committee paying Fine may reimburse himself out of Rents.

CXII. If the fine imposed be not warranted by the custom of the manor, or be unlawful, the Lunatic may controvert its legality, as if this Act had not been made; and no Lunatic shall forfeit any land for his neglect or refusal to appear at any court, or to be admitted thereto, or to pay the fine imposed upon his admittance.

Unlawful Fines may be controverted.

No Forfeiture for not appearing or not paying Fine.

CXIII. Where a Lunatic is entitled to a lease for a life or lives or for a term of years, either absolute or determinable on a death, or otherwise, the Committee of his Estate may, in his name and on his behalf, under an Order of the Lord Chancellor intrusted as aforesaid, by deed surrender the lease, and in the name and on behalf and for the benefit of the Lunatic accept a new lease of the premises comprised in the lease surrendered, for such number of lives, or for such term of years, either absolute or determinable as aforesaid, as was mentioned or contained in the lease surrendered at the making thereof, or otherwise as the Lord Chancellor intrusted as aforesaid shall order.

Committee may surrender Lease, and accept Renewal.

Charges of
Renewal to
be charged
on Estates.

CXIV. Every sum of money and other consideration paid by a Committee or other person, in the nature of or as a fine, premium, or income upon renewal, and all reasonable charges incident thereto, may be paid out of the Lunatic's estate, or may, with interest, be a charge upon the leasehold premises, as the Lord Chancellor intrusted as aforesaid shall order.

New Leases
to be to the
same uses.

CXV. Every lease renewed shall operate and be to the same uses, and be liable to the same trusts, charges, incumbrances, dispositions, devises, and conditions, as the lease surrendered was subject to, or would have been subject to if the surrender had not been made.

Lunatic's
property
may be sold,
mortgaged,
&c. for
debts, main-
tenance, &c.

CXVI. Where it appears to the Lord Chancellor intrusted as aforesaid to be just and reasonable, or for the Lunatic's benefit, he may order that any estate or interest of the Lunatic in land or stock, either in possession, reversion, remainder, contingency, or expectancy, be sold, or charged by way of mortgage, or otherwise disposed of, as may to him seem most expedient, for the purpose of raising money to be applied, and may accordingly order that the money when raised be applied, for or towards all or any of the purposes following:

1. The payment of the Lunatic's debts or engagements;*
2. The discharge of any incumbrance on his estates;
3. The payment of any debt or expenditure incurred or made after Inquisition, or authorized by the Lord Chancellor intrusted as aforesaid to be incurred or made, for the Lunatic's maintenance or otherwise for his benefit;
4. The payment of or provision for the expenses of his future maintenance;
5. The payment of the costs of applying for, obtaining, and executing the Inquiry, and of opposing the same;
6. The payment of the costs of any proceeding under or consequent on the Inquisition, or incurred under Order of the Lord Chancellor intrusted as aforesaid; and,
7. The payment of the costs of any such sale, mortgage, charge, or other disposition as is hereby authorized to be made:

And the Committee of the Estate may and shall, in the name and on behalf of the Lunatic, execute, make, and do all such conveyances, deeds, transfers, and things relative to any such sale, mortgage, charge, or other disposition as aforesaid, and for effectuating this present provision, as the Lord Chancellor intrusted as aforesaid shall order.†

Modes in
which future
main-
tenance may
be charged
when In-
terest not in
possession.

CXVII. In case of a charge or mortgage being made under this Act upon an interest in contingency, or in reversion, remainder, or expectancy, for the expenses of future maintenance, the Lord Chancellor intrusted as aforesaid may direct the same to be payable and paid either contingently, if the interest charged be a contingently one, or upon the

* Vide p. 24 as to the Inquiry as to debts and mode of payment. A creditor proving his debt at his own costs, was allowed certain extra costs occasioned by a mistake in the papers. *Re Buckle*, 1 Russ. and Myl., 360.

† Vide 25 and 26 Vict., c. 86, sec. 11, 16, and 17.

happening of the event, if the interest be depending on an event which must happen, and either in a gross sum or in annual or other periodical sums, and at such times, in such manner, and either with or without interest, as he shall deem expedient; and any charge already made which would have been valid if made after this Act shall be and is hereby declared to be valid.

CXVIII. Where it appears to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's benefit, he may order that the whole or any part of any moneys expended or to be expended under his Order for the permanent improvement, security, or advantage of the land of the Lunatic or of any particular part thereof, shall with interest, be a charge upon and be raisable out of the Lunatic's estate and interest in the land or such particular part thereof as aforesaid, but so that no right of sale or foreclosure during the lifetime of the Lunatic be given or acquired under or by virtue of the charge; and the interest shall be kept down during the Lunatic's lifetime, out of the income of his general estate, as far as the same shall be sufficient to bear it; and the Committee of the Estate may and shall, in the name and on behalf of the Lunatic, execute and do all such conveyances and things for effectuating this present provision as the Lord Chancellor intrusted as aforesaid shall order; and such charge may be made either to some person advancing the money, or if the money is paid out of the Lunatic's general property, to some person as a trustee for him, as part of his personal estate.

Expenses of Improvements may be charged on Estate.

CXIX. On any monies being raised by sale, mortgage, charge, or other disposition of land made in pursuance of any of the foregoing provisions, the person whose estate is sold, mortgaged, charged, or otherwise disposed of, and his heirs, next of kin, devisees, legatees, executors, administrators, and assigns, shall have such and the like interest in the surplus monies remaining after the purposes for which the monies have been raised shall have been answered as he or they would have had in the estate if no sale, mortgage, charge, or other disposition thereof had been made, and the surplus monies shall be of the same nature and character as the estate sold, mortgaged, charged, or otherwise disposed of; and the Lord Chancellor intrusted as aforesaid may make such Orders, and direct such conveyances, deeds, and things to be executed and done (which may and shall accordingly be executed and done), as may be necessary for the effectuating this present provision, and for the due application of the surplus monies.

Surplus of monies to be of the same nature as the Estate.

CXX. Where it is made to appear to the Lord Chancellor intrusted as aforesaid that the net amount or net estimated value of the property of a Lunatic does not exceed the sum of Five hundred pounds sterling, and it appears to him, having regard to the situation and condition in life of the Lunatic and his family, and the other circumstances of the case, to be expedient that the amount or value of his property should be made available for his maintenance in a direct and inexpensive manner, and that the same can be safely and properly done, he may, instead of proceeding to order a grant of the custody of the estate, order or allow that

Where Property very small, Lord Chancellor may apply same directly for Lunatic's maintenance, without Grant, &c.

the amount of the property, if in money or stock, or if of any other description the produce thereof when realized, be paid or transferred to such relative of the Lunatic, or such other person as he may think proper to intrust with the application thereof, to be by him applied in or towards the maintenance of the Lunatic, either at his discretion or in such manner and subject to such control as the Lord Chancellor intrusted as aforesaid may direct; and for the purpose of giving effect to any such Order, the Lord Chancellor intrusted as aforesaid may order any small real estate or other property of the Lunatic to be sold, and a valid conveyance or transfer thereof to be executed or made by such person as he shall direct.*

Where lunacy temporary, Lord Chancellor may apply Cash arising from Income for temporary maintenance, without Grant, &c.

CXXI. Where it appears to the Lord Chancellor intrusted as aforesaid, upon a Report of the Masters, that there is reason to believe that the unsoundness of mind of any Lunatic so found by Inquisition is in its nature temporary, and will probably be soon removed, and that it is expedient that temporary provision should be made for the maintenance of the Lunatic, or of the Lunatic and the members of his immediate family who are dependent upon him for maintenance, and that any sum of money arising from or being in the nature of income or of ready money belonging to the Lunatic, and standing to his account with a banker or agent, or being in the hands of any person for his use, is readily available and may be safely and properly applied in that behalf, the Lord Chancellor intrusted as aforesaid may allow thereout such amount as he may think proper for the temporary maintenance of the Lunatic, or of the Lunatic and the members of his immediate family who are dependent upon him for maintenance, and may, instead of proceeding to order a grant of the custody of the estate, order or give liberty for the payment of any such sum of money as aforesaid, or any part thereof, to such person as he may, under the circumstances of the case, think proper to intrust with the application thereof, and may direct the same to be paid to such person accordingly, and when received to be applied, and the same shall accordingly be applied, in or towards such temporary maintenance as aforesaid; and the receipts in writing of the person named in the Order to whom payment is to be made for any monies payable to him by virtue thereof shall effectually discharge the banker, agent, or other person paying the same from the monies therein respectively expressed to be received, and they respectively are hereby directed to act upon and obey every such Order; and the person so receiving any monies by virtue of this present provision shall pass an account thereof before the Masters, when required.

Committee may convey Land in performance of Contracts.

CXXII. Where a person having contracted to sell, mortgage, let, divide, exchange, or otherwise dispose of any land afterwards becomes Lunatic, and the contract is not disputed, and is such as the Lord Chancellor intrusted as aforesaid thinks ought to be performed, or a specific performance of the contract, either wholly or so far as the same remains to be performed, has been decreed or ordered by the Court of

* *Vide* 25 and 26 Vict., c. 86, sec. 12-15.

Chancery, either before or after the Lunacy, the Committee of the Estate may, in the name and on behalf of the Lunatic, under an Order of the Lord Chancellor intrusted as aforesaid, on the application of the party claiming the benefit of the contract with the Lunatic, or any plaintiff in the suit, receive and give an effectual discharge for the money payable to the Lunatic, or so much thereof as remains unpaid, and make such conveyance of the land to such person and in such manner as the Lord Chancellor intrusted as aforesaid may order.

CXXIII. Where a person, being a member of a co-partnership firm, becomes Lunatic, the Lord Chancellor intrusted as aforesaid may by Order made on the application of the partner or partners of the Lunatic, or of such other person or persons as the Lord Chancellor intrusted as aforesaid shall think entitled to require the same, dissolve the partnership; and thereupon, or upon a dissolution of the partnership by decree of the Court of Chancery, or otherwise by due course of law, the Committee of the Estate, in the name and on behalf of the Lunatic, may join and concur with such other person or persons in disposing of the partnership property, as well real as personal, to such persons, upon such terms, and in such manner, and may and shall execute and do such conveyances and things for effectuating this present provision, and apply the monies payable to the Lunatic in respect of his share and interest in the co-partnership, in such manner as the Lord Chancellor intrusted as aforesaid shall order. *

Lord Chancellor may dissolve Partnership, and Committee may convey Partnership Property.

CXXIV. Where a Lunatic is seised of or entitled to an undivided share of land, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit and to be expedient that a sale of land, or part thereof, or a partition of the land,† should be made, and where a Lunatic is seised of or entitled to land, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit and to be expedient that an exchange thereof, or of part thereof, for other land, should be made, the Committee of the Estate, in the name and on behalf of the Lunatic, under an Order of the Lord Chancellor intrusted as aforesaid may concur with such other person in making such sale or partition, or may make such exchange, and receive such monies payable on the sale, and give or receive such monies for equality of partition or exchange, or otherwise in relation thereto, as the Order may direct; and all monies received by the Committee of the Estate upon any such sale, partition, or exchange as aforesaid shall be applied and disposed of in manner directed in section One hundred and thirty-five of this Act respecting the fines, premiums, and sums of money therein mentioned; and the land taken in exchange

Committee may make sale, partition, or exchange.

* The Court will not make its decree for dissolution of partnership of a Lunatic retrospective. *Besch v. Frolich*, 1 Phill., 172.

Vide also Jones v. Noy, 2 Myl. and K., 125. *Vide also Waters v. Taylor*, 2 V. and B., 299, as to the principle leading to a dissolution.

The cases of *Rowlands v. Evans*, and *Williams v. Rowlands*, L. J., 31, N. S., 265 ch., and *Coles v. Leaf*, *Re Coles* 1 De G. M. and G., 417, have reference also to dissolutions on the ground of Lunacy.

† *Vide Re Bloomer*, *Law Journal*, vol. 27, N. S., 173 Ch.

shall be held and assured (as nearly as may be) to the same uses, and upon the same trusts, and subject to the same powers and provisions (if any), to, upon, and subject to which the land given in exchange was held; and the Committee of the Estate may and shall, in the name and on behalf of the Lunatic, execute and do all such conveyances and things for effectuating this present provision as the Lord Chancellor intrusted as aforesaid shall order.*

Committee
may sell
Land for
Building
purposes.

CXXV. Where a Lunatic is seised of or entitled to land in fee simple, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit that the same or any part thereof should be made available for building purposes, and that to that end the same should, in lieu of being demised for long terms of years, be absolutely sold, he may order the same to be sold accordingly, to such persons, in such quantities, upon such terms, and in such manner as to him may seem expedient, and the monies arising thereby shall be applied and disposed of in the manner directed in section One hundred and thirty-two of this Act respecting the surplus monies therein mentioned; and the Committee of the Estate may and shall, in the name and on behalf of the Lunatic, execute and do all such conveyances and things for effectuating this present provision as the Lord Chancellor intrusted as aforesaid shall order.

Committee
may assign
Business
Premises.

CXXVI. Where a Lunatic has been engaged in trade or business, and it appears to the Lord Chancellor intrusted as aforesaid to be for the benefit of the Lunatic or his estate that the business premises should be disposed of, the Committee of the Estate may, in the name and on behalf of the Lunatic, under order of the Lord Chancellor intrusted as aforesaid, make such conveyance of the messuages, buildings, or hereditaments of or belonging to the trade or business, or used in connection therewith, according to the Lunatic's estate and interest in the same, to such person, and shall apply the monies arising thereby in such manner, as the Lord Chancellor intrusted as aforesaid shall order.

Committee
may dispose
of undesi-
rable Lease.

CXXVII. Where a Lunatic is entitled to a lease for a life or lives or for a term of years, either absolute or determinable on a death or otherwise, or to an under-lease, of whatsoever nature, and it appears to the Lord Chancellor intrusted as aforesaid to be desirable and for the benefit of the Lunatic or his estate that the lease or under-lease should be disposed of, the Committee of the Estate may, in the name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, surrender, assign, or otherwise dispose of the lease or under-lease, to such person, for such valuable or nominal or other consideration, upon such terms, by such conveyances, and in such manner, and shall apply the

* A Railway Company taking the Lunatic's land must pay the costs of obtaining the requisite sanction for the Committee's concurrence and of reinvesting the purchase monies. (*Re Taylor*, 1 Mac. and Gor., 210.) The Petition of tenant for life for the reinvestment of money arising from land taken by a Railway Company, &c., need not be served on the remainder man. (*Ex parte Staples*; *Re Browne*, 1 De. Gex., M. and G., 294.) The sale of the next presentation of a Rectory the advowson of which the Lunatic, alleged to be of the Roman Catholic Faith, was tenant in tail in possession, was refused. (3 Mac. and Gor., 275.)

monies (if any) arising thereby in such manner, as the Lord Chancellor intrusted as aforesaid shall order.

CXXVIII. The Committee of the Estate of a Lunatic may, with the approbation of the Lord Chancellor intrusted as aforesaid, signified by Order on the application of the Committee, enter into an agreement for or on behalf of the Lunatic which the guardian of an infant might have entered into for or on behalf of the infant by virtue of the Act passed in the session of Parliament holden in the first year of the reign of King *George the First*, chapter ten, if so much of that Act as related to agreements of guardians for or on behalf of infants or idiots under their guardianship had not been repealed by the Act passed in the session of Parliament holden in the first year of the reign of King *William the Fourth*, chapter sixty-five, section twenty-five.

Committee
may make
Agreements
under 1 G. 1.
c. 10.

CXXIX. Where a Lunatic is seised or possessed of or entitled to land in fee or in tail, or to leasehold land for an absolute interest, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit that a lease or under-lease should be made thereof for terms of years, for encouraging the erection of buildings thereon, or for repairing buildings actually being thereon, or otherwise improving the same, or for farming or other purposes, the Committee of the Estate may, in the name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, make such lease of the land or any part thereof, according to the Lunatic's estate and interest therein, and to the nature of the tenure thereof, for such term or terms of years and subject to such rents and covenants as the Lord Chancellor intrusted as aforesaid shall order.*

Committee
may make
Building
and other
Leases, sub-
ject to such
Covenants
as Lord
Chancellor
shall order.

CXXX. Where a Lunatic is seised or possessed of or entitled to land in fee or in tail, and it appears to the Lord Chancellor intrusted as aforesaid to be for his benefit that any mine or quarry already opened in, upon, or under the land should be worked, the Committee of the Estate may, in the name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, make such lease of the mines, quarries, minerals, stones, and substances, in, upon, or under the land, either with or without any land convenient to be held therewith, and with or without the surface, to such person, for such term or terms of years, and subject to such rents, royalties, reservations, covenants, and agreements, and in such manner and form, as the Lord Chancellor intrusted as aforesaid shall order.*

Committee
may make
Leases of
Mines al-
ready
opened.

CXXXI. Where a Lunatic is seised or possessed of or entitled to land in fee or in tail, and it appears to the Lord Chancellor intrusted as aforesaid either to be necessary for the maintenance of the Lunatic and the members of his immediate family for whom provision is directed to be made, or to be expedient in a due course of management, that any mine or quarry, being in, upon, or under the land, should be opened and worked, the Committee of the Estate may, in the name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, make such lease of the mines, quarries, minerals, stones, and substances in, upon, or under the land, although not already opened or

Committee
may, where
necessary
for mainte-
nance of Lu-
natic, or ex-
pedient,
make Leases
of Mines un-
opened.

* *Vide* 18 Vict., cap. 13 (*post*).

worked, and either with or without any land convenient to be held therewith, and with or without the surface, to such person, for such term or terms of years, and subject to such rents, royalties, reservations, covenants, and agreements, and in such manner and form as the Lord Chancellor intrusted as aforesaid shall order. *

Produce of newly-opened mines, where necessary for Lunatic's maintenance, to be so applied; otherwise to be carried to separate account, and be considered Real Estate.

CXXXII. Where the Lord Chancellor intrusted as aforesaid makes any such Order as in and by the last preceding section is authorized to be made, by reason of its appearing to him to be necessary for the maintenance of the Lunatic and such members of his immediate family as aforesaid, that the mine or quarry should be opened and worked, then the monies arising thereby shall be applied in or towards such maintenance as aforesaid, in such manner as the Lord Chancellor intrusted as aforesaid shall direct; but in such case the surplus thereof, and in every other case all the monies so arising, shall be carried to a separate account, and may be applied for or towards all or any of the purposes for which monies are hereinbefore authorized to be raised by sale of the Lunatic's estate, or in such other manner for the Lunatic's benefit as the Lord Chancellor intrusted as aforesaid shall direct; and upon the Lunatic's death the monies remaining on the credit of such separate account shall, as between the representatives of his real and of his personal estate, be considered as real estate.

Committee may execute leasing powers of Lunatic having limited Estate.

CXXXIII. Where a Lunatic has a limited estate only in land, and any power whatsoever of leasing the same is vested in him, the Committee of his Estate may and shall from time to time, in the name and on behalf of the Lunatic, under Order of the Lord Chancellor intrusted as aforesaid, execute the power, to such extent and in such manner as the Order shall direct; and all fines, premiums, and sums of money (if any) received for or upon the granting of any lease under this present provision shall be applied and disposed of in manner directed in section One hundred and thirty-five of this Act respecting the fines, premiums, and sums of money therein mentioned.

Committee may accept Surrender, and make new Lease.

CXXXIV. Where a Lunatic is entitled or has a right to renew, and either it would be for his benefit to renew, or he might, in pursuance of any covenant or agreement, if not under disability, be compelled to renew, a lease made for a life, or lives, or for a term of years, either absolute or determinable on a death or otherwise, the Committee of his Estate may, in his name, under an Order of the Lord Chancellor intrusted as aforesaid, upon the application of the Committee, or of any person entitled to the renewal, accept a surrender of the lease, and make and execute a new lease, of the premises comprised in the lease surrendered, for such number of lives, or for such term or terms of years determinable upon such number of lives, or for such term or terms of years absolute, as was or were mentioned or contained in the

* *Vide* 18 Vict., cap. 13. The working of a coal mine on the Lunatic's estate of which he was tenant for life without impeachment of waste, was sanctioned, under the peculiar circumstances, by the owner of the adjoining land. *Ex parte* Tabbart, 6 Ves., 428, 9.

lease surrendered at the making thereof, or otherwise, as the Lord Chancellor intrusted as aforesaid shall order, but so that no renewed lease be executed by virtue of this Act, in pursuance of any covenant or agreement, unless the fine (if any) or such other sum of money (if any) as ought to be paid on renewal, and such things (if any) as ought to be performed in pursuance of the covenant or agreement by the lessee or tenant, be first paid and performed, and a counterpart be duly executed by the lessee.

CXXXV. All fines, premiums, and sums of money received upon renewal shall, after deduction of all necessary incidental charges and expenses, be paid to the Committee of the Estate, and be applied for the Lunatic's benefit as the Lord Chancellor intrusted as aforesaid shall order; but upon the Lunatic's death all such monies as have arisen by such fines, premiums, or sums of money, or so much thereof as then remains unapplied, for his benefit, shall, as between the representatives of his real and of his personal estate, be considered as real estate, unless the Lunatic be tenant for life only, and then the same shall be considered as personal estate.*

Fines, how to be paid.
On death of Lunatic, quality of Money arising by Fines.

CXXXVI. Where a power is vested in a Lunatic for his own benefit, or the consent of a Lunatic is necessary to the exercise of a power, and such power of consent is in the nature of a beneficial interest in the Lunatic, and it appears to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's benefit, and also to be expedient, that the power should be exercised or the consent given (as the case may be), the Committee of the Estate may, in the name and on behalf of the Lunatic, under an Order of the Lord Chancellor intrusted as aforesaid, made upon the application of the Committee of the Estate, exercise the power or give the consent, as the case may be, in such manner as the Order shall direct.

Committee may exercise power vested in Lunatic for his own benefit, or give consent.

CXXXVII. Where a power is vested in a Lunatic in the character of trustee or guardian, or the consent of a Lunatic to the exercise of a power is necessary in the like character, or as a check upon the undue exercise of the power, and it appears to the Lord Chancellor intrusted as aforesaid to be fit and expedient that the power should be exercised or the consent given (as the case may be), the Committee of the Estate, in the name and on behalf of the Lunatic, under an Order of the Lord Chancellor intrusted as aforesaid, made upon the application of any person interested in the exercise of the power, may exercise the power or give the consent, as the case may be, in such manner as the Order shall direct.†

Committee may exercise power vested in Lunatic in character of Trustee or Guardian, &c.

CXXXVIII. Where under this Act the Committee of the Estate, under Order of the Lord Chancellor intrusted as aforesaid, exercises, in the name and on behalf of the Lunatic, a power of appointing new

Appointment of new trustees under power

* *Vide Re Trevelyan*, L. J., vol. 31, N. S., 560 ch.; and L. T., vol. 6, N. S., 846 ch.

† *Vide Re Bowmer*, L. J., vol. 28, N. S., 618 ch.

to have effect of appointments by Court of Chancery, and like Orders may be made as under Trustee Act, 1850.

trustees vested in the Lunatic, the person or persons who shall, after and in consequence of the exercise of the power, be the trustee or trustees, shall have all the same rights and powers as he or they would have had if the Order had also been made by the Court of Chancery, under the Trustee Act, 1850, or any Act amending the same, or if he or they had been appointed by decree of that Court in a suit duly instituted; and the Lord Chancellor intrusted as aforesaid may in any such case, where it seems to him to be for the Lunatic's benefit, and also expedient, make any and every such Order respecting the land or stock or choses in action subject to the trust as might have been made in the same case under the provisions of the Trustee Act, 1850, or any Act amending the same, on the appointment thereunder of a new trustee or new trustees.

Deeds, &c., executed under this Act to be as valid as if Lunatic had been of sound mind.

CXXXIX. Every surrender, lease, agreement, deed, conveyance, mortgage, or other disposition granted, accepted, made, or executed by virtue of this Act shall be as valid and legal to all intents and purposes as if the person in whose name or place or on whose behalf the same was granted, accepted, made, or executed had been of sound mind, and had granted, accepted, made, or executed the same.*

Stock belonging to Lunatic may be ordered to be transferred.

CXL. Where any stock is standing in the name of or is vested in a Lunatic beneficially entitled thereto, or is standing in the name of or vested in a Committee of the Estate of a Lunatic, in trust for the Lunatic, or as part of his property, and the Committee dies intestate, or himself becomes Lunatic, or is out of the jurisdiction of or not amenable to the process of the Court of Chancery, or it is uncertain whether the Committee be living or dead, or he neglects or refuses to transfer the stock, and to receive and pay over the dividends thereof, to a new Committee, or as he directs, for the space of fourteen days next after a request in writing for that purpose made by a new Committee, then the Lord Chancellor intrusted as aforesaid may order some fit person to transfer the stock to or into the name of a new Committee, or into the name of the Accountant General of the Court of Chancery,† or otherwise, and also to receive and pay over the dividends thereof, or such

* *vide* 25 & 26 Vict., c. 86, sec. 17.

† An Order in the nature of a Stop Order on a Fund in Court, to which the next of kin may become entitled on the Lunatic's death, may be obtained on the Petition of an assignee of the kin's interest. (*vide Re Moore*, 1 Mac. & Gor. 103; and *Re Pigott*, 3 Mac. & Gor. 26*.)

Funds, the subject of a suit in Chancery to which the Lunatic is a party, cannot be made (fully) available for his benefit except upon an Inquiry, and the appointment of a Committee of the Estate.—*Gillbee v. Gillbee*, 1 Phill., 121.

An Annuity under a Will continues payable until the Annuitant should be declared by Inquiry duly taken to be of unsound mind.—*Winthrop v. Winthrop*, 1 Co., T. L. C., 196.

Where stock is standing in the names of husband and wife, and one is found of unsound mind, the Court transfers the fund into Court to the credit of the Lunacy, paying the dividends to the Committee for maintenance, &c.

The Court is unwilling to convert one kind of stock into another.

sum or sums of money and in such manner as the Lord Chancellor intrusted as aforesaid may order.

CXLI. Where any stock, or any portion of the capital stock, or any share of any company or society, whether transferable in books or otherwise, is standing in the name of or vested in a person residing out of *England* and *Wales*, the Lord Chancellor intrusted as aforesaid, upon proof to his satisfaction that the person has been declared idiot, Lunatic, or of unsound mind, and that his personal estate has been vested in a Curator or other person appointed for the management thereof, according to the laws of the place where he is residing, may order some fit person to make such transfer of the stock, or such portion of the capital stock or share as aforesaid, or any part or parts thereof respectively, to or into the name of the Curator or other person appointed as aforesaid, or otherwise, and also to receive and pay over the dividends thereof, as the Lord Chancellor intrusted as aforesaid may think fit.

Stock in name of Lunatic residing out of *England* and *Wales* may be ordered to be transferred.

CXLII. Where an Order is made under this Act for the transfer of stock, the person to be named in the Order for making the transfer shall be some proper officer of the company or society in whose books the transfer is to be made; and where the transfer is to be made in books kept by the Governor and Company of the Bank of *England*, the officer to be named shall be the Secretary or Deputy Secretary, or Accountant General or Deputy Accountant General for the time being, of the said Governor and Company.

Who shall be appointed to make transfer.

CXLIII. All transfers and payments made in pursuance of this Act shall be valid and binding to all intents and upon all persons whomsoever.

Transfers, &c., to be binding.

CXLIV. This Act shall be a full indemnity and discharge to the Governor and Company of the Bank of *England*, their officers and servants, and all other persons respectively, for all Acts and things done or permitted to be done pursuant thereto, which acts and things respectively shall not be questioned or impeached in any Court of Law or Equity to their detriment.*

Indemnity to Bank of *England*, &c.

CXLV. The Lord Chancellor intrusted as aforesaid may order the costs and expenses of and relating to the petitions, applications, orders, directions, conveyances, and transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the land or stock, or the rents or dividends in respect of which the same respectively shall be made, in such manner as he may think proper.†

Costs may be paid out of estate.

CXLVI. Nothing in this Act contained shall extend to subject any part of a Lunatic's property to the debts or demands of his creditors, further or otherwise than as the same is now subject thereto by due course of law.

Act not to subject Lunatic's property to debts.

CXLVII. The powers and authorities given by this Act to the Lord Chancellor intrusted as aforesaid shall extend to all land and stock

Powers to extend to Colonies, &c.

* *Vide* 25 and 26 Vict., c. 86, sec. 17, 29.

† *Vide* same Act, sec. 11, 16.

within any of the dominions, plantations, and colonies of Her Majesty (except *Scotland and Ireland*).

Traverse. And with respect to the traverse of an Inquisition, be it further enacted as follows :

Petitions for Traverse to be presented within a limited time. CXLVIII. Any person desiring to traverse may, within the three months next after the day of the return of the Inquisition, present a Petition for that purpose to the Lord Chancellor intrusted as aforesaid, who is hereby required to hear and determine the Petition, and shall, in his Order upon it for a traverse, limit a time, not exceeding six months from the date of the Order, within which the person desiring to traverse and all other proper parties are to proceed to trial of the traverse, and who may by the same or any other Order direct that the person desiring to traverse, not being the person the object of the Inquisition, shall, within the three weeks next after the date of the Order, give sufficient security to and to the satisfaction of the Masters for all proper parties proceeding to trial within the time to be limited as aforesaid.*

Persons not petitioning or not proceeding to trial within limited time, barred. CXLIX. Every person having right to traverse who shall not within the time hereinbefore limited present his Petition for that purpose, or who shall refuse or neglect to give such security as aforesaid, or who shall not proceed to trial within the time to be limited as aforesaid, and his heirs, executors, and administrators, and all others claiming by, through, or under him, shall be absolutely barred of his and their right of traverse, unless the Lord Chancellor intrusted as aforesaid shall, under the special circumstances of any particular case, think fit upon Petition for that purpose, to allow the traverse to be had or tried after the time by this Act limited, in all which special cases the Lord Chancellor intrusted as aforesaid may make such Orders as to him shall seem just.*

Lord Chancellor may direct new trials. No person shall traverse oftener than once. CL. If the Lord Chancellor intrusted as aforesaid be dissatisfied with the verdict returned upon a traverse, he may order one or more new trial or trials thereon, as to him shall seem meet, and as is usual in cases of issues directed by the Court of Chancery; but no person shall be admitted to traverse oftener than once.*

Lord Chancellor may notwithstanding traverse, make Orders for Management of person and estate. CLL. The Lord Chancellor intrusted as aforesaid and the Masters may from time to time, after the return of the Inquisition, and notwithstanding a Petition or Order depending relative to a traverse thereof, make such Orders and do such acts relative to the custody and commitment of the person, and the commitment, management, and application of the estates and effects of the person, the object of the Inquisition, as he or they shall think necessary or proper (inclusive of the imposition and levying of fees and per-centage as hereinbefore provided); and all things done by any person appointed Committee of the Person or Estate, or by any other person, shall be as valid and effectual, and all Committees, and other persons respectively, and their respective heirs, executors, and administrators, are hereby indemnified in respect of all such things

* *Vide* 25 and 26 Viet., c. 86, sec. 7.

as aforesaid from and against all actions, suits, and proceedings, damages, costs, charges, and expenses, to be brought, commenced, had, or recovered by the person the object of the Inquisition, his heirs, executors, or administrators, or any other person whomsoever, as fully and effectually as if the Inquisition had not been traversable, but not further or otherwise.*

And with respect to the Supersedeas of an Inquisition, be it further *Supersedeas*. enacted as follows :

CLII. Where any person has been found of unsound mind by Inquisition, but the question of unsoundness of mind is disputed, and liberty to traverse has been applied for, and whether granted or not, and it appears, to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's benefit and also to be expedient that the Inquisition should be superseded on terms and conditions, and subject to an arrangement respecting the Lunatic's estate, he may, upon the consent of the Lunatic and of the person entitled or claiming to traverse, and of such other persons, if any, whose consent he may deem necessary, order the Inquisition to be superseded on such terms and conditions to be fulfilled by the Lunatic or such other person, and subject to such arrangement respecting the Lunatic's estate, as he may under the circumstances of the case think proper, and may by the same or any other Order direct the Lunatic and any other persons, being consenting parties to the arrangement, to execute, make, and do, before or after the issuing of the Writ of Supersedeas, and he and they shall accordingly execute, make, and do, all such conveyances, transfers, and things as may to the Lord Chancellor intrusted as aforesaid seem necessary or proper for or for securing the fulfilment of such terms and conditions and the completion of such arrangement as aforesaid, and generally may make such Orders as to him may seem proper for effectuating this present provision ; and all conveyances, transfers, and things, executed, made, and done under any such Order of the Lord Chancellor intrusted as aforesaid, either before or after the issuing of the Writ of Supersedeas, shall be as valid and binding to all intents and upon all persons whomsoever as if the Lunatic had not been found or had not been of unsound mind, but not further or otherwise.†

And be it declared and further enacted as follows :

CLIII. The Lord Chancellor, with the advice and assistance aforesaid, may from time to time make such Orders as to him shall seem meet for carrying into effect the purposes of this Act, and for regulating the form and mode of proceeding before and by the Masters and the practice in matters in Lunacy, and for regulating the duties of the several officers in Lunacy, and, so far as to him may seem expedient, for altering the course of proceeding hereinbefore prescribed in respect of the matters to which this Act relates, or any of them ; and any such

General Orders.

Power to Lord Chancellor to make General Orders.

* *Vide* 25 and 26 Vict., c. 86, sec. 7.

† *Vide* 25 and 26 Vict., c. 86, sec. 10.

Order as aforesaid may be from time to time rescinded or varied by the like authority; and every such Order as aforesaid which shall alter the course of proceeding hereinbefore prescribed in respect of the matters to which this Act relates, or any of them, shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then assembled, and if not then within fourteen days after the meeting of Parliament then next following; and if either House of Parliament shall, by Resolution, passed within thirty-six days next after any such Order as aforesaid has been laid before it, resolve that the whole or any part thereof ought not to continue in force, in that case the whole Order or the part of the Order specified in the Resolution (as the case may be) shall from and after the passing of the Resolution cease to be binding.*

* *Vide* 25 and 26 Vict., sec. 17.

THE SCHEDULES ABOVE REFERRED TO.

SCHEDULE I.—(*Vide Section I.*)

THE ACTS REPEALED BY THIS ACT, WHOLLY OR IN PART.

Date of Act.	Title of Act.	Extent of Repeal.
6 Geo. IV., c. 53. [22d June, 1825.]	An Act for limiting the time within which Inquisitions of Lunacy, Idiocy, and <i>Non Compos Mentis</i> may be traversed, and for making other Regulations in the Proceedings pending a Traverse.	The whole Act, except so far as it relates to Ireland.
1 Wm. IV., c. 65. [23d July, 1830.]	An Act for consolidating and amending the Laws relating to Property belonging to Infants, Females Covert, Idiots, Lunatics, and Persons of Unsound Mind.	So much of the Act as relates to or affects Idiots, Lunatics, and Persons of Unsound Mind, or their Property, except so far as it relates to Ireland, but excluding from this exception Section 41, which is in substance re-enacted by this Act.
3 & 4 W. IV., c. 36. [24th July, 1833.]	An Act for diminishing the inconvenience and expense of Commissions in the nature of <i>Writs de Lunatico Inquirendo</i> , and to provide for the better care and treatment of Idiots, Lunatics, and Persons of Unsound Mind, found such by Inquisition.	The whole Act.
3 & 4 W. IV., c. 84. [28th Aug., 1833.]	An Act to provide for the performance of the duties of certain offices connected with the Court of Chancery which have been abolished.	So much of the Act as relates to the office or place of "The Secretary of Lunatic."

Date of Act.	Title of Act.	Extent of Repeal.
5 & 6 Vict., c. 84. [5th Aug., 1842.]	An Act to alter and amend the practice and course of proceeding under Commissions in the nature of Writs <i>de Lunatico Inquirendo</i> .	The whole Act, except Sections 10, 12, and 16, which relate to the abolition of an office, and to the Suitors Fee Fund, and to certain compensations.
15 and 16 Vict., c. 48. [30th June, 1852.]	An Act for the Amendment of the Law respecting the Property of Lunatics.	Sections 1, 2, and 3, except so far as the same relate to Ireland.
15 and 16 Vict., c. 87. [1st July, 1852.]	An Act for the Relief of the Suitors of the High Court of Chancery.	Sections 14, 30, 31, 32, and 33, all which are in substance re-enacted by this Act.

SCHEDULE II.—(*Vide Section VI.*)

THE OATH OF THE MASTERS.

I, _____, do swear, That I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the several powers and trusts given to and reposed in me as one of the Masters in Lunacy, and that without favour or affection, prejudice or malice.

So help me GOD.

SCHEDULE III.—(*Vide Section LIX.*)

SHORT FORM OF AFFIDAVIT.

In the matter of A. B., a person of unsound mind.

I, C. D., the Petitioner named in the above-written [or annexed, *as the case may be*] Petition [or the person bringing in the above-written (or annexed) state of facts, &c.], make oath and say, That so much of the above-written Petition, &c. [*as before*], as relates to my own acts and deeds is true, and so much thereof as relates to the acts and deeds of any and every other person I believe to be true.

Sworn, &c.

18 VICT., CAP. XIII.

An Act to explain and amend the Lunacy Regulation Act, 1853.

[26th April, 1855.]

WHEREAS by the Section numbered CXXIX. of an Act passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates*, it was enacted, that where a Lunatic is seised or possessed of or entitled to land, in fee or in tail, or to leasehold land for an absolute interest, and it appears to the Lord Chancellor, intrusted as in the said Act mentioned, to be for his benefit that a lease or under-lease should be made thereof for terms of years, for encouraging the erection of buildings thereon, or for repairing buildings actually being thereon, or otherwise improving the same, or for farming or other purposes, the Committee of the Estate may, in the name and on behalf of the Lunatic, under Order of the Lord Chancellor, intrusted as aforesaid, make such leases of the land or any part thereof, according to the Lunatic's estate and interest therein, and to the nature of the tenure thereof, for such term or terms of years, and subject to such rents and covenants, as the Lord Chancellor, intrusted as aforesaid, shall order: And whereas it has been considered that the Lord Chancellor, intrusted as aforesaid, cannot by force of the said enactment empower the Committee of a Lunatic tenant in tail to grant leases as extensively as was intended by the said enactment, which will bind his issue in tail and the remaindermen: And whereas it is expedient to explain and enlarge the power of the Lord Chancellor, intrusted as aforesaid, in the matter aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. Where a Lunatic is seised of or entitled to land in tail, and it appears to the Lord Chancellor, intrusted as aforesaid, to be for his benefit, the Committee of the Estate may in the name and on behalf of the Lunatic, under Order of the Lord Chancellor, intrusted as aforesaid, make any such leases of the land or any part thereof as in the said section of the said Act are mentioned, and every such lease shall be good and effectual in law against the Lunatic and his heirs, and all persons claiming the lands entailed by force of any estate tail which shall be vested in such Lunatic, and also against all persons, including the Queen's most Excellent Majesty, her heirs and successors, whose estates are to take effect after the determination of or in remainder or reversion expectant upon such estate tail, according to such estate as is comprised and specified in every such lease, in like manner as the same would have been good and effectual in law if the Lunatic at the time of the making of such lease had been lawfully seised of the same lands comprised in

Lord Chancellor, in Matters of Lunacy, enabled to empower Committees of Estates to grant Leases binding on Issue or Remaindermen.

such lease of a pure estate in fee simple to his own use, and had been of sound mind, and not the subject of a Commission of Lunacy, and had himself granted such lease; and every person to whom from time to time the reversion expectant upon the lease shall belong after the death of the Lunatic shall and may have such and the like remedies and advantages, to all intents and purposes, against the lessee, his executors, administrators, and assigns, as the Lunatic or his Committee would or might have had against him or them: And the powers given by Sections numbered CXXX. and CXXXI. of the said recited Act shall and are to operate as extensively as the power given by the said Section CXXIX. of the said Act as explained and enlarged by this Act.

Interpreta-
tion.

II. Where any of the expressions in this Act are used in the said recited Act they shall receive the same interpretation in this Act as by the said recited Act is imposed upon them.

8 & 9 VICT., c. 100.

(*Vide Lun. Reg. Act, 1853, Sec. 53, see page 290, and see also page 69.*)

An Act for the Regulation of the Care and Treatment of Lunatics.

[4th August, 1845.]

Sec. 94. And be it enacted, That whenever the Commissioners shall have reason to suppose that the property of any person detained or taken charge of as a Lunatic is not duly protected, or that the income thereof is not duly applied for his maintenance, such Commissioners shall make such inquiries relative thereto as they shall think proper, and report thereon to the Lord Chancellor.

Commissioners to report if property of Lunatics be not duly protected or applied.

Sec. 95. And be it enacted, That when any person shall have been received or taken charge of as a Lunatic upon an order and certificate, or an order and certificate, in pursuance of the provisions of this Act, or of any act hereinbefore repealed, and shall either have been detained as a Lunatic for the twelve months then last past, or shall have been the subject of a Report by the Commissioners in pursuance of the provision lastly hereinbefore contained, it shall be lawful for the Lord Chancellor to direct that one of the said Masters in Lunacy shall, and thereupon one of the said Masters shall personally examine such person, and shall take such evidence and call for such information as to such Master shall seem necessary to satisfy him whether such person is a Lunatic, and shall report thereon to the Lord Chancellor, and such Report shall be filed with the Secretary of Lunatics; and it shall be lawful for the Lord Chancellor from time to time to make Orders for the appointment of a guardian, or otherwise for the protection, care, and management of the person of any person who shall by any such Report as last aforesaid be found to be a Lunatic, and such guardian shall have the same powers and authorities as a Committee of the person of a Lunatic found such by Inquisition now has, and also to make Orders for the appointment of a receiver, or otherwise for the protection, care, and management of the estate of such Lunatic, and such receiver shall have the same powers and authorities as a receiver of the estate of a Lunatic found such by Inquisition now has, and also to make Orders for the application of the income of such Lunatic, or a sufficient part thereof, for his maintenance and support, and in payment of the costs, charges, and expenses attending the protection, care, and management of the person and estate of such Lunatic, and also as to the investment or other application for the purpose of accumulation of the overplus, if any, of such income, for the use of such Lunatic, as to the Lord Chancellor shall from time to time in each case seem fit: provided always, that such protection, care, and management, shall continue only during such time as such Lunatic shall continue to be detained as

The Lord Chancellor to direct the Master in Lunacy to report as to the Lunacy of any person detained as a Lunatic, and to appoint guardians of his person and estate, and direct the application of his income.

a Lunatic upon an order and certificates or certificate as aforesaid, and for such further time, not exceeding six months, as the Lord Chancellor may fix: provided also, that it shall be lawful for the Lord Chancellor in any such case, either before or after directing such Inquiry by such Master as aforesaid, and whether such Master shall have made a Report as aforesaid or not, to direct a Commission in the nature of a Writ *de Lunatico Inquirendo* to issue, to inquire of the Lunacy of such person.

Masters in Lunacy to have all necessary powers of Inquiry, and to make Inquiries referred to them.

Sec. 96. And be it enacted, that such Masters shall have power, in the prosecution of all Inquiries and matters which may be referred to them as aforesaid, or otherwise under this Act, to summon persons before them, and to administer oaths, and take evidence, either *videlicet* *voce* or on affidavit, and to require the production of books, papers, accounts, and documents; and that the Lord Chancellor may by any Order (either general or particular) refer to the said Masters any Inquiries under the provisions of this Act relating to the person and estate of any Lunatic as to whom a Report shall be made by a Master as aforesaid, in like manner as Inquiries relating to the persons and estates of Lunatics found such by Inquisition are now referred to them.*

Lord Chancellor to make Orders and regulations, and fix fees.

Sec. 97. And be it enacted, that it shall be lawful for the Lord Chancellor from time to time to make such Orders as shall to him seem fit for regulating the form and mode of proceeding before the Lord Chancellor and before the said Masters, and of any other proceedings pursuant to the provisions of this Act, for the due protection, care, and management of the persons and estates of Lunatics as to whom such Reports shall be made by the said Masters as aforesaid, and also for fixing, altering, and discontinuing the fees to be received and taken in respect of such proceedings, as to the Lord Chancellor shall from time to time seem fit: Provided nevertheless, that all fees to be so received and taken shall be paid into the Bank of *England*, and placed to the credit of the Accountant General of the Court of Chancery, to the account intituled "The Suitors Fee Fund Account," in like manner as and together with the fees payable under the Act passed in the 5 and 6 years of Her present Majesty, intituled "*An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs de Lunatico Inquirendo*," and be applied in like manner as such last-mentioned fees.

5 and 6 Vict., c. 84.

Masters expenses how to be paid.

Sec. 98. And be it enacted, that the travelling and other expenses of the said Masters and their clerks shall be paid to them, by virtue of any Order or Orders of the Court of Chancery, out of the said fund, intituled "The Suitors Fee Fund Account," in the same manner as their expenses under the said last-mentioned Act.

* *Vide* chap. xiv., page 69.

15 & 16 VICT., CAP. XLVIII.

An Act for the Amendment of the Law respecting the Property of Lunatics.

(*Vide* pages 69, 270, 271.)

[30th June, 1852.]

[Sections 1 to 3, inclusive, are repealed by the Lunacy Regulation Act, 1853; Sec. 1, except so far as the same relate to Ireland.]

IV. And whereas by an Act of Parliament passed in the ninth year ^{8 and 9 Vict.,} of the reign of Her present Majesty Queen *Victoria*, intituled *An Act* ^{c. 100. s. 95.} *for the Regulation of the Care and Treatment of Lunatics*, it was enacted, that when any person should have been received or taken charge of as a Lunatic upon an Order and certificates, or an Order and certificate, in pursuance of the provisions of the said Act, or of any Act thereby repealed, and should either have been detained as a Lunatic for the twelve months then last past, or should have been the subject of a report by the Commissioners in pursuance of the provision therein contained, it should be lawful for the Lord Chancellor to direct that one of the Masters in Lunacy should, and thereupon one of the said Masters should, personally examine such person, and should take such evidence and call for such information as to such Master should seem necessary to satisfy him whether such person was a Lunatic, and should report thereon to the Lord Chancellor, and such report should be filed with the Secretary of Lunatics; and it should be lawful for the Lord Chancellor from time to time to make Orders for the appointment of a guardian, or otherwise for the protection, care, and management of the person of any person who should by any such report as last aforesaid be found to be a Lunatic, and such guardian should have the same powers and authorities as a Committee of the person of a Lunatic found such by Inquisition then had, and also to make Orders for the appointment of a receiver, or otherwise for the protection, care, and management of the estate of such Lunatic, and such receiver should have the same powers and authorities as a receiver of the estate of a Lunatic found such by Inquisition then had, and also to make Orders for the application of the income of such Lunatic, or a sufficient part thereof, for his maintenance and support, and in payment of the costs, charges, and expenses attending the protection, care, and management of the person and estate of such Lunatic, and also as to the investment or other application for the purpose of accumulation of the overplus, if any, of such income, for the use of such Lunatic, as to the Lord Chancellor should from time to time in each case seem fit: And whereas doubts have arisen whether the last-mentioned Act extends to authorize a receiver appointed as aforesaid to receive dividends on Government or Bank Stock or Annuities standing in the Lunatic's name, and it is

expedient that these doubts should be removed : Be it therefore enacted as follows :

Power to receive dividends of stock in Lunatic's name.

Every Receiver of the Estate of such Lunatic as aforesaid, already appointed, or who may be hereafter appointed under the powers in the said last-recited Act, shall have full power to demand, and to receive and to give effectual receipts for, the dividends due or to become due of any stock belonging to the Lunatic.

Indemnity to Bank of England, &c.

V. This Act shall be and is hereby declared to be a full and complete indemnity and discharge to the Governor and Company of the Bank of *England*, and all other Companies and Societies, and their officers and servants, for all acts and things done or permitted to be done pursuant thereto, and such acts and things shall not be questioned or impeached in any Court of Law or Equity to their prejudice or detriment.

Receiver may, under Order, make repairs, leases, &c.

VI. The person or persons for the time being intrusted as aforesaid may, by Order upon a Petition, direct the Receiver to make such repairs and improvements of or upon the land of the Lunatic, or to make to the tenant executing the same such allowance in respect thereof by and out of the Lunatic's income, and also to make and execute such contracts, agreements, leases, or under-leases of or concerning the same, as may seem expedient for the preservation or increase of the income ; and every act done according to such direction as aforesaid shall be valid and binding to all intents and upon all persons whomsoever.

Interpretation of words.

VII. In the construction of those provisions of this Act which refer to the secondly-mentioned Act, the words "land," "stock," and "dividends" respectively shall be interpreted as is provided for the like words in the first-mentioned Act.

14 & 15 VICT., CAP. LXXXI.

An Act to authorize the Removal from India of Insane Persons charged with Offences, and to give better Effect to Inquisitions of Lunacy taken in India.

[7th August, 1851.]

WHEREAS it is expedient to make provision for the several purposes hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. That if any person shall have been or shall hereafter be indicted for or charged with any crime or offence in any Court in *India*, and shall have been or shall hereafter be acquitted of or not be tried for such crime or offence on the ground of his being found to be of unsound mind, and shall by reason of the premises be lawfully in custody in *India*, it shall be lawful for the person or persons administering the government of the Presidency in which such person shall be so in custody to order such person to be removed from *India* to any part of the United Kingdom, there to abide the Order of Her Majesty concerning his or her safe custody, and to give such directions for enabling such Order to be carried into effect as may be deemed fit and proper.

II. That the Orders and directions of the said Government of any of the said Presidencies for the removal of any person under the provisions of this Act shall be a sufficient warrant and authority to all commanders of vessels, and others, to whom the care and custody of any such person shall be committed, for the removal of such person from *India* to the United Kingdom, in conformity with such directions, and for his detention in custody there until an Order shall be made by Her Majesty as hereinafter is mentioned; and that upon the arrival of any such person in the United Kingdom it shall be lawful for Her Majesty to give such Order for the safe custody of such person during her pleasure in such place and in such manner as to Her Majesty shall seem fit, in like manner as if such person had been indicted for an offence and found insane, and were thereby subject to the provisions of the Act passed in the Thirty-ninth and Fortieth year of his late Majesty King *George the Third*, intitled *An Act for the Safe Custody of Insane Persons charged with Offences*.

III. That all expenses attending the removal from *India* and the safe custody and maintenance in *Great Britain* or *Ireland* of all such persons as aforesaid shall be borne and defrayed by the *East India Company*, who are hereby authorized to charge the amount of such expenses upon the revenues of the Government of *India*.

F F

Power to remove from *India* to the United Kingdom persons of European birth found guilty of crimes and offences, and acquitted on the ground of insanity.

Order of Government of *India* to be a sufficient warrant and authority for the purpose of removal.

Expenses removal to be defrayed by *East India Company*, and charged upon the revenues of *India*.

The amount of all expenses incurred by the East India Company to be a debt due from the Lunatic, and be secured by a judgment in England and Ireland, and by decree of registration in Scotland.

IV. That the amount of all expenses incurred by the *East India* Company in respect of the removal and custody of any such person as aforesaid shall be a debt from such person to the *East India* Company; and that for securing the payment thereof the *East India* Company shall be entitled to enter up against such person as of the date of the Order for removal from *India* any judgment in *England* or *Ireland* in an amount sufficient to secure the payment of all expenses incurred and to be incurred in respect of the matters aforesaid, and the costs of ascertaining the same as after mentioned; and on production at the office in *Edinburgh* for the Registration of Writs in the books of Council and Session of a copy of any Order of the Court of Directors directing such judgment to be entered up, certified by the Secretary of the said Company, such Order shall be registered in the said books in like manner as a bond executed according to the Law of *Scotland* with a clause of Registration, and Decree shall be interponed thereon which shall have the like effect as if such person had executed such bond, but without prejudice to the provisions herein contained for ascertaining the sum actually due; and that upon application to be from time to time made to the Lord Chancellor of *Great Britain* in *England* or Chancellor in *Ireland*, being intrusted with the care of persons of unsound mind, or the Court of Session in *Scotland*, the amount of such expenses reasonably and properly incurred shall be ascertained by a Reference to one of the Masters of the Court of Chancery, or by a remit to the Accountant of the Court of Session, or otherwise, in such manner as the person or persons to whom such application shall be made shall direct; and the *East India* Company shall be entitled from time to time to recover payment of the amount so ascertained, and the costs of ascertaining the same, by proceeding on the judgment in *England* or *Ireland*, and registered Order and Decree in *Scotland*, and enforcing the same against the property but not against the person of the debtor, in the same manner as if such judgment had at the date of the said Order of removal been recovered against the debtor when of sound mind, and had been entered up at the date of such Order, or as if such bond had been granted by the debtor when of sound mind at the date of such Order, and had been duly registered in the books of Council and Session, and a Decree of the Court of Session interponed thereto.

Lunatics and Idiots may be removed from India by Orders of the Supreme Courts at the several Presidencies.

V. That in all cases where a guardian, keeper, or curator of the person and estate of any idiot, Lunatic, or person of unsound mind shall have been or shall be appointed by the Supreme Court of Judicature at any of the Presidencies of *India*, it shall be lawful for such Supreme Court to declare that such person ought to be removed from *India* to any part of the United Kingdom, and thereupon to make such further or other Order or Orders authorizing or directing his removal, and touching his safe custody and maintenance, as to such Supreme Court shall seem fit and proper: provided always, that in every such case a transcript of the proceedings in the matter of the idiotcy or Lunacy of such person shall, under the provisions hereinafter contained,

be transmitted to that part of the United Kingdom to which such person shall be removed.

VI. That in all cases where a guardian, keeper, or curator of the person and estate of any idiot, Lunatic, or person of unsound mind shall have been or shall be appointed by any of the Supreme Courts in *India* as aforesaid, it shall be lawful for the proper officer of the said Supreme Court by the Order of such Court to transmit a transcript, under the hand and seal of the Chief Justice or Senior Judge of such Supreme Court, of the proceedings by which the idiocy, Lunacy, or unsoundness of mind shall have been found, and by which such guardian, keeper, or curator shall have been appointed, to the Chancery in *England* and the Court of Session in *Scotland* and the Chancery of *Ireland* respectively, as the case may require, and that such transcript, when so received, shall be entered as of record in the Court or Courts to which the same shall be transmitted; and that in the case of any Supersedeas of any such proceedings the same shall be certified and transmitted and recorded in like manner; and that the record of any such proceedings or of any such supersedeas as aforesaid shall, in case and so long and so far as the Lord Chancellor of *Great Britain* or other persons intrusted as aforesaid, or the Court of Session in *Scotland*, or the Chancellor of *Ireland* intrusted as aforesaid, (as the case may require,) shall respectively see fit, be acted upon by him and them respectively, and be of the same force and validity, and have the same force and effect, as if such proceedings or supersedeas, or proceedings or a Supersedeas to the like effect, had taken place in *England*, *Scotland*, or *Ireland* respectively; and it shall be lawful for the Lord Chancellor or other persons intrusted as aforesaid, the Court of Session in *Scotland*, and the Chancellor of *Ireland* intrusted as aforesaid respectively, from time to time to make and give all such Orders or directions by appointing any Committee or Committees, curator or curators, or otherwise, as may appear necessary or proper for securing proper care and protection to the person and estate of such idiot, Lunatic, or person of unsound mind.

Transcript of all Inquisitions and Orders to be transmitted and entered of record, and to be acted upon in the United Kingdom as if the Inquisitions had been taken in the United Kingdom.

VII. That the powers and authorities given by this Act to the Lord Chancellor of *Great Britain* or other persons intrusted as aforesaid shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, or any other person or persons for the time being intrusted as aforesaid, and the powers and authorities given by this Act to the Lord Chancellor of *Ireland* intrusted as aforesaid shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Ireland*, or any other person or persons for the time being intrusted as aforesaid.*

Powers given to the Lord Chancellor to extend to Lord Keeper and Commissioners of the Great Seal.

* *Vide* also "Act for the Better Government of India," 21 and 22 Vict., c. 106, sec. 64.

25 & 26 VICT., CAP. LXXXVI.

An Act to amend the Law relating to Commissions of Lunacy and the Proceedings under the same, and to provide more effectually for the Visiting of Lunatics, and for other purposes.

[7th August, 1862.]

WHEREAS it is expedient to amend the Law relating to Commissions of Lunacy and the proceedings under the same, and to provide more effectually for the visiting of persons found Lunatic by Inquisition, and to make the other provisions hereinafter contained with respect to certain officers in Lunacy, and otherwise: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short Title.
Interpretation.

I. This Act may be cited as "The Lunacy Regulation Act, 1862."

II. In this Act, unless there be something in the subject matter or context repugnant to the construction, the following terms shall have the meanings hereinafter assigned to them:

Act to be construed as part of Lunacy Regulation Act, 1853. 16 and 17 Vict., c. 70.

The expression "the Lord Chancellor intrusted as aforesaid" and the several other expressions and words mentioned and referred to in the second Section of the Act passed in the session of Parliament holden in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter seventy, intituled *An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition and their Estates*, shall be read and construed according to the interpretations thereof contained in the said section:

And generally the provisions of the said Act (except so far as the same are altered by or are inconsistent with this Act) shall extend and apply to the several cases and matters provided for by this Act, in the same way as if this Act had been incorporated with and had formed part of the said Act.

Nature and Limit of Inquiry under Commissions of Lunacy.

III. The Inquiry to be made under every Order for Inquiry or Commission of Lunacy or issue shall be confined to the question whether or not the Person who is the subject of the Inquiry is at the time of such Inquiry of unsound mind, and incapable of managing himself or his affairs, and no evidence as to anything done or said by such person, or as to his demeanour or state of mind at any time being more than two years before the time of the Inquiry, shall be receivable in proof of insanity on any such Inquiry, or on the trial of any Traverse of an Inquisition, unless the Judge or Master shall otherwise direct.

IV. Wherever, under the said Act, the Lord Chancellor intrusted as aforesaid shall order an Inquiry before a jury, he may by his Order direct an issue to be tried in one of Her Majesty's Superior Courts of Common Law at Westminster, and the question in such issue shall be, whether the alleged insane person is of unsound mind and incapable of managing himself or his affairs; and the provisions of the said Act with respect to Commissions of Lunacy, and Orders for Inquiry to be tried by a jury, and the trial thereof, and the constitution of the jury, shall apply to any issue to be directed as aforesaid, and the trial thereof, and subject thereto such issue and the trial thereof shall be regulated by the Act of the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and nine, intituled *An Act to amend the Law concerning Games and Wagers*,* and the verdict upon any such issue, finding the alleged insane person to be of unsound mind and incapable of managing himself or his affairs, shall have the same force to all intents and purposes as an Inquisition under a Commission of Lunacy, finding a person to be of unsound mind and incapable of managing himself or his affairs, returned into the Court of Chancery.

Inquiries before a jury to be made by means of an issue to one of the Superior Courts of Common Law.

V. Where in any Act of Parliament, Order, Rule of Court, or Instrument, Reference is made to a Commission of Lunacy, or the Inquisition thereon, the issue hereby authorized to be directed, and the verdict thereon, operating as an Inquisition, shall be deemed to be intended by or comprehended in the Reference.

Reference in other Acts to Inquisition to apply to verdict on issue.

VI. On the trial of every such issue as last aforesaid the alleged insane person shall, if he is within the jurisdiction, be examined before the taking of the evidence is commenced, and at the close of the proceedings, before the jury consult as to their verdict, unless the presiding Judge shall otherwise direct; and such examinations of the alleged insane person shall take place either in open Court or in private as such Judge shall direct.

Examination of alleged Lunatic on the holding of the Inquisition.

VII. No person shall be entitled to a Traverse of any Inquisition made under any such Order as aforesaid upon the oath of a jury; but it shall be lawful for the Lord Chancellor intrusted as aforesaid, if he shall think fit, upon a Petition being presented to him within three months next after the trial of any such issue, to order that a new trial shall be had of such issue or a new Inquiry made as to the insanity of such person, subject to such directions and upon such conditions as to the Lord Chancellor intrusted as aforesaid may seem proper.

No Traverse of an Inquisition made by one of the Judges of the Superior Courts and by a jury to be granted, but new trial may be ordered by the Lord Chancellor.

Sections One hundred and forty-eight, One hundred and forty-nine, and One hundred and fifty of the said Act (which sections relate to Petitions and Orders for the Traverse of Inquisitions) shall not apply to any case coming within the last preceding Section of this Act.

Section One hundred and fifty-one of the said Act shall apply to all proceedings taken, Orders made, and things done, pending a new trial or new Inquiry or the Petition for the same, in the same manner as is

* Vide the extract from this Act here referred to immediately following this Act in the Appendix.

provided by the said Section with respect to such matters pending a Traverse or the Petition for the same.

Demand of
Inquiry by
jury.

VIII. And with reference to Inquiries before the Master without a jury, and the right of the alleged Lunatic to demand an Inquiry by a jury, be it enacted, upon the hearing of any Petition for Inquiry it shall be lawful for the alleged Lunatic, by himself, his Counsel, or Solicitor, orally, or by Petition addressed to the Lord Chancellor intrusted as aforesaid to demand an Inquiry by a jury, and such demand shall have the same effect as if made by notice filed with the Registrar in accordance with the provisions of the said Act.

Demand of
Inquiry by
jury may be
withdrawn.
Commission
may be su-
perseded on
conditions.

IX. Upon such hearing the alleged Lunatic may, by himself, his Counsel, or Solicitor, orally, or by Petition as aforesaid, withdraw any notice of demanding an Inquiry by a jury previously filed by him.

X. And with respect to the superseding of Commissions, be it enacted, that if it shall appear to the Lord Chancellor that it is not expedient or for the benefit of the Lunatic that the Commission should be unconditionally superseded, but that the same should be superseded on terms and conditions, he may, upon the consent of the Lunatic and such other persons, if any, whose consent he may deem necessary, order the Commission to be superseded upon such terms and conditions as he shall think proper; and all the provisions contained in "The Lunacy Regulation Act, 1853," in relation to the superseding of the Commission in cases where a Traverse has been applied for, and to the proceedings for the fulfilling of such terms and conditions, shall apply to all cases in which the Commission shall be superseded upon terms and conditions under the provisions herein contained.

Lord Chan-
cellor may
order costs.

XI. It shall be lawful for the Lord Chancellor intrusted as aforesaid to order the costs, charges, and expenses of and incidental to the presentation of any Petition for a Commission in the nature of a Writ of *de Lunatico Inquirendo*, or for any Order of Inquiry under "The Lunacy Regulation Act, 1853," and of and incidental to the prosecution of any Inquiry, Inquisition, Issue, Traverse, or other proceeding consequent upon such Commission or Order, to be paid either by the party or parties who shall have presented such Petition, or by the party or parties opposing such Petition, or out of the estate of the alleged Lunatic, or partly in one way and partly in another, as the Lord Chancellor intrusted as aforesaid shall in each case think proper; and such Order shall have the same force and effect as Orders for the payment of money made by the High Court of Chancery in cases within its jurisdiction.

As to prop-
erty of in-
sane persons
when of small
amount.

In order that the property of insane persons when the same is of small amount may be applied for their benefit in a summary and inexpensive manner, be it enacted as follows:

Power to
Lord Chan-
cellor, where
property of
Lunatic does
not exceed

XII. Where by the Report of one of the Masters in Lunacy or of the Commissioners in Lunacy, or by affidavit or otherwise, it is established to the satisfaction of the Lord Chancellor intrusted as aforesaid that any person is of unsound mind and incapable of managing his affairs, and that his property does not exceed one thousand pounds in

value, or that the income thereof does not exceed fifty pounds per annum, the Lord Chancellor intrusted as aforesaid may, without directing any Inquiry under a Commission of Lunacy, make such Order as he may consider expedient for the purpose of rendering the property of such person, or the income thereof, available for his maintenance or benefit or for carrying on his trade or business: Provided nevertheless, that the alleged insane person shall have such personal notice of the application for such Order as aforesaid as the Lord Chancellor shall by General Order to be made as after-mentioned direct.

XIII. For the purpose of giving effect to any such Order as is mentioned in the last preceding section the Lord Chancellor intrusted as aforesaid may order any land, stock, or other property of such person as aforesaid to be sold, charged by way of mortgage, or otherwise disposed of, and a conveyance, transfer, charge, or other disposition thereof to be executed or made by any person on his behalf, and may order the proceeds of any such sale, charge, or other disposition, or the dividends or income of such land, stock, or property, to be paid to any relative of such insane person, or to such other person as it may be considered proper to trust with the application thereof, to be by him applied in the maintenance or for the benefit of the insane person, or of him and his family, either at the discretion of such relative or person, or in such manner, and subject to such control, and with or without such security for the application thereof, as the Lord Chancellor intrusted as aforesaid may direct; and for the purpose above mentioned the Lord Chancellor intrusted as aforesaid shall have all the same powers with respect to the transfer, sale, and disposition of, and otherwise respecting, the real and personal property of such person as aforesaid as if he had been found Lunatic by Inquisition.

Power to sell land or other property of Lunatic for his benefit.

XIV. The Lord Chancellor may from time to time make such General Orders as he may think fit for regulating the procedure to be adopted and the duties to be performed by the Masters and Officers in Lunacy for obtaining such Reports as aforesaid, and for carrying the objects of the two last preceding sections into effect, and for vesting in such Masters and Officers such powers as the Lord Chancellor may consider expedient for the purposes aforesaid.*

Power to make General Orders to carry into effect the objects of the last preceding section.

XV. Where any person has, on the trial of any indictment, been acquitted on the ground of insanity, it shall be lawful for the Lord Chancellor intrusted as aforesaid, on being satisfied by affidavit or otherwise of the continued insanity of such person, and of his being still in confinement, to make any such Order with respect to the property of such person, and the application thereof for his maintenance or benefit, or that of his family, or for carrying on his trade or business, as is mentioned in the three last preceding sections of this Act.

Power to apply property of persons acquitted on the ground of insanity for their benefit.

And for the purpose of extending the powers over the property of

Charging Orders.

* *Vide* General Orders made under this Act, and the Forms of the Proceedings, after the "Instructions of the Board of Visitors," &c., at the end of the Appendix.

Lunatics given by section One hundred and sixteen of the said Act, be it enacted as follows :

Extending powers of charging Lunatic's property for his maintenance, debts, and costs.

XVI. Where it appears to the Lord Chancellor intrusted as aforesaid to be for the Lunatic's benefit, he may by Order direct any estate or interest of the Lunatic in land or stock, either in possession, reversion, remainder, contingency, or expectancy, and either existing or which may exist at any future time, to stand and be charged with any monies advanced or to be advanced, or due or to become due, to any person for or in respect of any of the purposes or matters mentioned in the said section, and either with or without interest on such monies ; and he may also by Order direct any such estate and interest to be dealt with and disposed of in such manner as he shall consider expedient for any of the purposes aforesaid, or for securing any monies advanced or to be advanced for such purposes or any of them, and with or without interest for the same ; and every charge and disposition directed or made by or in pursuance of any such Order shall be valid and effectual to all intents and purposes, and shall take effect accordingly, subject only to any prior charge to which the estate or interest affected thereby may at the date of such Order be subject.

General. All deeds, transfers, payments, &c. made in pursuance of this Act to be valid and binding.

Indemnity to the Bank of England, &c.

XVII. Every conveyance, transfer, charge, or other disposition made or executed by virtue of this Act, and every payment made in pursuance of this Act, shall be valid to all intents, and binding upon all persons whomsoever ; and this Act shall be a full indemnity and discharge to the Governor and Company of the Bank of *England*, their officers and servants, and all other persons respectively, for all acts and things done or permitted to be done in pursuance thereof, or of any Order of the Lord Chancellor intrusted as aforesaid made or purporting to be made under this Act ; and such acts and things respectively shall not be questioned or impeached in any Court of Law or Equity to their detriment.

Power to Masters to summon witnesses.

XVIII. To give further and better effect to the fifty-fifth, fifty-sixth, and sixtieth sections of the said Act, respecting the attendance of witnesses before the said Masters, the Masters may in the matter of any Lunatic or alleged Lunatic compel by summons the attendance of any person to give evidence before them, whether such person has or has not previously given evidence by affidavit ; and every person so summoned shall be bound to attend as required by the summons, and give evidence before the said Masters, in like manner as is provided by the sixtieth section of the said Act in the case of persons who have given evidence by affidavit.

Visiting.

And with respect to the visiting of Lunatics, be it enacted as follows :— *

Duties of Visitors.

XIX. It shall be the duty of the Visitors to visit persons of unsound mind within the meaning of this Act at such times and in such rotation and manner, and to make such inquiries and investigations as to their

* *Vide* General Orders of 12th January, 1855, and Instructions of Board of Visitors (*post*).

care and treatment and mental and bodily health, and the arrangements for their maintenance and comfort, and otherwise respecting them, as the Lord Chancellor shall by General Orders, or as the Lord Chancellor intrusted as aforesaid shall by Special Order in any particular case from time to time direct.

XX. Provided always, That from and after the first day of *October* All Lunatics next every Lunatic shall be personally visited and seen by one of the said Visitors four times at least in every year, and such visits shall be so regulated as that the interval between successive visits to any such Lunatic shall in no case exceed four months: Provided always, that Lunatics who are resident in licensed houses, asylums, or registered hospitals shall not necessarily be visited by any of the said Visitors more than once in the year, unless the Lord Chancellor intrusted as aforesaid shall otherwise direct.

XXI. The Visitors shall also visit such persons alleged to be insane, and shall make such Inquiries and Reports in reference to them as the Lord Chancellor intrusted as aforesaid may direct, and at the expiration of every six calendar months they shall report to the Lord Chancellor the number of visits which they shall have made, the number of patients they shall have seen, and the number of miles they shall have travelled during such months, and shall on the first day of *January* in each year make a return to the Lord Chancellor of all sums received by them for travelling expenses, or upon any other account; and a copy of such Reports, showing the number of visits made, the number of patients seen, and the number of miles travelled, and also a copy of such return of sums received for travelling expenses, or upon any other account, shall be laid before Parliament on or before the first day of *February* in each year, if Parliament be then sitting, and if not, within twenty-one days next after the commencement of the next session of Parliament.

XXII. Sections One hundred and four and One hundred and five of the said Act (which sections relate to the visiting of Lunatics) are hereby repealed.

XXIII. The Lord Chancellor may, if he shall so think fit, on a Petition presented to him for that purpose, order annuities, not exceeding one-half of their respective salaries, to be paid to the present Medical Visitors or either of them, in case they or either of them shall be desirous of retiring from the offices held by them, they having already attained the respective ages of seventy-eight and eighty-one years, and having served as such Medical Visitors for twenty-eight and twenty years respectively.

XXIV. The Medical Visitors to be hereafter appointed and the Legal Visitor shall hold their offices during their good behaviour, but may be removed therefrom by the Lord Chancellor in case of misconduct or neglect in the discharge of their duties, or of their being disabled from performing the same, and they shall receive salaries of fifteen hundred pounds each, and shall not be in any way engaged in the practice of their respective professions.

All Lunatics to be visited four times a-year.

Visitors also to visit alleged Lunatics, and make a Report, &c. to the Lord Chancellor.

Sections 104 and 105 of 18 and 19 Vict., c. 70. repealed.

Officers in Lunacy. Power to the Lord Chancellor to allow pensions to present Visitors, if desirous of retiring.

Visitors to hold office during good behaviour. Visitors to receive salaries, but not to practise in their professions.

- Clerks to the Visitors.** XXV. Such Clerks to the Visitors may from time to time be appointed by the Lord Chancellor and at such salaries as the Lord Chancellor, with the approbation of the Commissioners of Her Majesty's Treasury, shall from time to time direct: So much of section twenty-three of the said Act as refers to the Clerk of the Secretary to the said Visitors is hereby repealed.
- Superannuation Allowances to Officers in Lunacy.** XXVI. The Lord Chancellor may, if he shall so think fit, order to be paid to any Officer who has served for twenty years in any office or offices in Lunacy, and who shall be above sixty years of age, and shall be desirous of retiring, or who is disabled by permanent infirmity from the performance of his duties, such superannuation allowance, not exceeding two-thirds of the salary payable to such officer or person at the time of his resignation, as the Lord Chancellor, with the approbation of the Commissioners of Her Majesty's Treasury, may approve.
- Payment of pensions and salaries.** XXVII. All annuities and salaries ordered to be paid in pursuance of this Act shall be payable out of "The Sutors' Fee Fund Account" mentioned in the said Act, and at the times and in the manner directed by the twenty-fifth section of the said Act.
- Registrar to hold office during good behaviour.** XXVIII. The Registrar in Lunacy shall hold his office during good behaviour, and may be removed therefrom by the Lord Chancellor in case of misconduct or neglect in the discharge of his duties or his being disabled from performing the same.
- Orders.** And with respect to Orders in Lunacy, be it enacted as follows:
- Office copies of Orders to be acted upon by Accountant General and others.** XXIX. The Accountant General and all other persons, and the Governor and Company of the Bank of *England*, shall act upon all office copies of Orders in Lunacy purporting to be signed by the Registrar in Lunacy, and sealed with the seal of his office, in the same manner as such persons are by section one hundred and one of the said Act required to act upon office copies of Reports confirmed by Fiat.

8 & 9 VICT., c. 109.

An Act to Amend the Law concerning Games and Wagers.

(SECTION.)

[8th August, 1845.]

XIX. And whereas many important questions are now tried in Proceedings the form of feigned issues, by stating that a wager was laid between two parties, interested in respectively maintaining the affirmative and the negative of certain propositions; but such questions may be as satisfactorily tried without such form; be it therefore enacted, That in every case where any Court of Law or Equity may desire to have any question of fact decided by a jury it shall be lawful for such Court to direct a Writ of Summons to be sued out, by such person or persons as such Court shall think ought to be plaintiff or plaintiffs, against such person or persons as such Court shall think ought to be defendant or defendants therein, in the form set forth in the second Schedule to this Act annexed, with such alterations or additions as such Court may think proper; and thereupon all the proceedings shall go on and be brought to a close in the same manner as is now practised in proceedings under a feigned issue.

The Second Schedule to which the foregoing Act refers:—

In the Court of Queen's Bench [Commons Pleas, or Exchequer, or in any inferior Court as the case may be].

Middlesex to wit [or such other County as may be directed].

Whereas A. B. affirms, and C. D. denies [here state fully the fact or facts in issue] and the Lord Chancellor [or such other Court, &c.] is desirous of ascertaining the truth by the verdict of a jury, and both parties pray that the same may be inquired of by the country. Now let a jury, &c.

13 & 14 VICT., c. 60.

An Act to consolidate and amend the Laws relating to the Conveyance and Transfer of real and personal Property vested in Mortgagees and Trustees.

(SECTION.)

[5th August, 1850.]

Interpreta-
tion clause.

II. The words "Lord Chancellor" shall mean as well the Lord Chancellor of *Great Britain* as any Lord Keeper or Lords Commissioners of the Great Seal for the time being :

The word "Lunatic" shall mean any person who shall have been found to be a Lunatic upon a Commission of Inquiry in the nature of a Writ *de Lunatico Inquirendo* :

The expression "Person of Unsound Mind" shall mean any person, not an infant, who not having been found to be a Lunatic, shall be incapable from infirmity of mind to manage his own affairs :

The word "Mortgage" shall be applicable to every estate, interest or property in lands or personal estate which would in a Court of Equity be deemed merely a security for money.

Lord Chan-
cellor may
convey
estates of
Lunatic
trustees and
mortgagees.

III. And be it enacted, That when any Lunatic or person of unsound mind shall be seised or possessed of any lands upon any trust or by way of mortgage, it shall be lawful for the Lord Chancellor, intrusted by virtue of the Queen's Sign Manual, with the care of the persons and estates of Lunatics, to make an Order that such lands be vested in such person or persons in such manner and for such estate as he shall direct ; and the Order shall have the same effect as if the trustee or mortgagee had been sane, and had duly executed a conveyance or assignment of the lands in the same manner for the same estate.

May convey
contingent
rights.

IV. And be it enacted, That when any Lunatic or person of unsound mind shall be entitled to any contingent right in any lands upon any trust or by way of mortgage, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to make an Order wholly releasing such lands from such contingent right, or disposing of the same to such person or persons as the said Lord Chancellor shall direct ; and the Order shall have the same effect as if the trustee or mortgagee had been sane, and had duly executed a deed so releasing or disposing of the contingent right.

Lord Chan-
cellor may
transfer
stock of
Lunatic
trustees and
mortgagees.

V. And be it enacted, that when any Lunatic or person of unsound mind shall be solely entitled to any stock, or to any chose in action upon any trust, or by way of mortgage, it shall be lawful for the Lord Chancellor intrusted as aforesaid to make an Order vesting in any person or persons the right to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action, or any interest in respect thereof ; and when any person or per-

sons' shall be entitled jointly with any Lunatic or person of unsound mind to any stock or chose in action upon any trust, or by way of mortgage, it shall be lawful for the said Lord Chancellor to make an Order vesting the right to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action, or any interest in respect thereof, either in such person or persons so jointly entitled as aforesaid, or in such last-mentioned person or persons together with any other person or persons the said Lord Chancellor may appoint.

VI. And be it enacted, that when any Stock shall be standing in the name of any deceased person whose personal representative is a Lunatic or a person of unsound mind, or when any chose in action shall be vested in any Lunatic or person of unsound mind, as the personal representative of a deceased person, it shall be lawful for the Lord Chancellor intrusted as aforesaid, to make an Order vesting the right to transfer such stock, or to receive the dividends or income thereof, or to sue for and recover such chose in action, or any interest in respect thereof, in any person or persons he may appoint. Power to transfer stock of deceased person.

LIII. And be it enacted, That upon any Petition under this Act being presented to the Lord Chancellor intrusted as aforesaid, concerning a person of unsound mind it shall be lawful for the Lord Chancellor should he so think fit, to direct that a Commission in the nature of a *Writ de Lunatico Inquirendo* shall issue concerning such person, and to postpone making any Order upon such Petition until a return shall have been made to such Commission. Commission concerning persons of unsound mind.

By Section 20, the Bank is indemnified for obeying all Orders, &c., made under the Act.

15 & 16 VICTORIA, CAP. 55.

An Act to extend the Provisions of "The Trustee Act, 1850."

[30th June, 1852.]

Persons in-
trusted with
the care of
Lunatics.

Sec. XI. That all the jurisdiction conferred by this Act on the Lord Chancellor, intrusted by virtue of the Queen's Sign Manual with the care of the persons and estates of Lunatics, shall and may be had, exercised, and performed by the person or persons for the time being intrusted as aforesaid.

All Orders
made under
Trustee Act,
1850, or this
Act to be
chargeable
with the
same stamp
duty as
deeds of
conveyance.

Sec. XIII. That every Order to be made under the Trustee Act, 1850, or this Act, which shall have the effect of a conveyance or assignment of any lands, or a transfer of any such stock as can only be transferred by stamped deed, shall be chargeable with the like amount of stamp duty as it would have been chargeable with if it had been a deed executed by the person or persons seised or possessed of such lands, or entitled to such stock, and every such Order shall be duly stamped for denoting the payment of the said duty.

15 GEORGE II., c. XXX. (1742.)

An Act to prevent the Marriage of Lunatics.

WHEREAS persons who have the misfortune to become Lunatics, may, by reason of such their disorder, be liable to be surprized into unsuitable marriages, which may be of pernicious consequence, and a great misfortune to their families: Wherefore, for preventing the same, and the ill consequence thereof, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of June, in the year of Our Lord One thousand seven hundred and forty-two, in case any person who now is, or at any time hereafter shall be found a Lunatic, by any Inquisition taken or to be taken by virtue of a Commission under the Great Seal of Great Britain, or any Lunatic or person under a phrensy, whose person and estate by virtue of any Act of Parliament, now are, or hereafter shall be committed to the care and custody of particular Trustees, shall marry before he or she shall be declared of sane mind by the Lord High Chancellor of Great Britain, the Lord Keeper or Lords Commissioners of the Great Seal of Great Britain for the time being, or such Trustees as aforesaid, or the major part of them respectively, every such marriage shall be, and is hereby declared to be null and void to all intents and purposes whatsoever.*

Lunatic not to marry till declared of sane mind by the Lord Chancellor, &c., &c.

* This Act was said to have been obtained in consequence of the case of Mr. Newport, who had been left a large fortune. (Com. Dig., vol. 4, Tit. Idiot, D. 462.)

By the Marriage Act, 4 Geo. 4, c. 76, sec. 17, it is provided that if the father of a minor be *non compos mentis*, or if the guardians or the mother of a minor be *non compos mentis* or beyond the seas, or shall unreasonably, &c., refuse or withhold their consent to a proper marriage, the parties may apply to the Lord Chancellor, &c., by Petition in a summary way for a declaration as to the propriety of the marriage, which in such case is to be as effectual as if the father, &c., had consented to it.

Vide also Irish Act, 51 Geo. 3, c. 37; and 12 Geo. 3, c. 11, Royal Marriage Act. Vide also pages 87 and 91; and Brown v. Reane, 2 Phillim., 69, 70, &c.

GENERAL ORDERS.

7TH NOVEMBER, 1853.

I, ROBERT MONSEY, BARON CRANWORTH, Lord High Chancellor of Great Britain, intrusted, by virtue of Her Majesty the Queen's Sign Manual, with the care and commitment of the custody of the persons and estates of persons found idiot, Lunatic, or of unsound mind, do, with the advice and assistance of the Right Honourable Sir James Lewis Knight Bruce, and the Right Honourable Sir George James Turner, the Lords Justices of the Court of Appeal in Chancery, also being intrusted as aforesaid, and by virtue and in exercise of the powers or authorities in this behalf vested in me by the Lunacy Regulation Act, 1853, and of every other power or authority in anywise enabling me in this behalf, order as follows :

Former
Orders dis-
charged.
Extent of
these Or-
ders.

1. The General Orders in Lunacy, dated respectively the 27th day of October, 1842, and the 15th day of April, 1844, are hereby discharged.

2. All pending proceedings are to be carried on according to the provisions of these Orders, as far as may be practicable, and subject thereto according to the practice heretofore subsisting ; and, in case of doubt as to the mode of procedure, in such of the modes aforesaid as the Masters shall direct ; and the provisions of these Orders are to be deemed to be subject to variation by Special Order in any case, and are to be applicable only where there may be no express directions contained in or given by any Special Order concerning any of the several matters provided for in these Orders, or so far as such directions may not extend.

Interpreta-
tion.

3. In these Orders, unless there be something in the subject-matter or context repugnant to such a construction, words expressed in the singular and in the plural number respectively are to be construed as applicable respectively to several persons or things, and to one person or thing, and words importing the masculine gender are to be construed as applicable to females as well as males. The expression "the Masters" is to be taken to mean the Masters jointly and severally ; the expression "the Accountant General" to mean the Accountant General for the time being of the High Court of Chancery ; the expression "the Bank" to mean the Bank of England ; the expression "next of kin" to comprehend heir or heirs at law, and also the person or persons who would be entitled to the Lunatic's estate, or to shares thereof, under the statutes for the distribution of the effects of intestates, in case he were dead intestate ; the provisions referring to Orders in Lunacy are to be deemed to extend as far as they may be applicable, *mutatis mutandis*, to the case of directions contained in Reports confirmed by Fiat ; and the

provisions respecting the Committee of the Estate, his appointment, accounts, payments, allowances, and matters of the like nature are to be deemed to extend as far as they may be applicable, *mutatis mutandis*, to the case of a Receiver.

4. Where in these Orders, or in a special Order, a limited time from and after a date or event is appointed or allowed for doing any act or taking any proceeding, the computation of such limited time is not to include the day of such date, or of the happening of such event as aforesaid, but it is to commence at the beginning of the next following day; and the act or proceeding is to be done or taken, at the latest, on the last day of the limited time according to this computation.

5. Where, according to these Orders, or a special Order, the time for doing any act or taking any proceeding expires on a Sunday or on a day on which the offices are closed, and by reason thereof the act or proceeding cannot be done or taken on that day, the act or proceeding is, as far as regards the time of doing or taking the same, to be held to be duly done or taken if done or taken on the Monday next following, or on the day on which the offices next open, as the case may be.

6. The power of the Lord Chancellor, Lords Justices, and Masters respectively, to enlarge or abridge the time for doing any act or taking any proceeding, upon such (if any) terms as shall to him or them seem expedient, is to be deemed unaffected by these Orders.

PROCEEDINGS RESPECTING THE INQUISTION.

7. The notice to an alleged Lunatic of the presentation of the Petition for Inquiry is to be by service on him of a copy of such Petition, with a notice thereon indorsed, signed by the Petitioner or by his Solicitor, to the following effect, with such variations as circumstances may require:—

“ Mr. A. B.

“ Take notice, that a Petition, of which a copy is within written, was
“ on the day of presented to the Lord Chancellor by me [*or*, by
“ C. D., of],* and that by virtue of and under the same an Inquiry
“ may be ordered to take place before one of the Masters in Lunacy, as to
“ whether you are or are not of unsound mind and incapable of managing
“ yourself and your affairs, but that you may, in case you think fit, de-
“ mand that such Inquiry may, if ordered, be had before a jury, in
“ which case a notice of such your desire must be signed by you, and
“ attested by your Solicitor, and filed with the Registrar in Lunacy, at
“ his office in Southampton Buildings, Chancery Lane, London, within
“ seven days after your receipt of this present notice.

“ Dated this day of .

(Signed)

“ C. D.

“ [*or*, X. Y., of

“ Solicitor for the Petitioner, C. D.]”

* Where a demand for a jury has been filed before Petition, from this to the end is to be omitted.

Notice to
alleged
Lunatic of
Report of
Commissioners.

8. The notice to an alleged Lunatic of a Report of the Commissioners in Lunacy, under Section LIV. of the said Act, is to be to the effect following, with such variations as circumstances may require:—

“Mr. A. B.

“Take notice, that the Commissioners in Lunacy did on the
“day of make a Report to the Lord Chancellor, stating that you
“are detained or taken charge of as a person of unsound mind [*or*, that
“you are alleged to be a person of unsound mind], and that they are of
“opinion that your property is not duly protected [*or*, that the income
“of your property is not duly applied for your benefit]. And take
“notice, that such Report having been duly filed, an Inquiry may thereon
“be ordered by the Lord Chancellor to take place before one of the
“Masters in Lunacy as to whether or not you are of unsound mind and
“incapable of managing yourself and your affairs; but that in case you
“think fit to demand that such Inquiry, if ordered to be held, may
“take place before a Jury, a notice thereof must be signed by you and
“attested by your Solicitor, and filed with the Registrar in Lunacy, at
“his office in Southampton Buildings, Chancery Lane, London, within
“seven days after your receipt of this present notice.

“Dated this day of .

(Signed)

“X. Y.”

Mode of Ser-
vice and
Affidavit.

9. A notice under either of the two last preceding Orders is to be served on the alleged Lunatic, by being delivered to him personally; or where, by reason of the condition or situation of the alleged Lunatic, or the other circumstances of the case, personal service cannot be effected, or it is deemed inexpedient to effect personal service, then, by being delivered to some adult inmate at the dwelling-house, or usual or last known place of abode of the alleged Lunatic within the jurisdiction, and an affidavit of service stating particularly the time and place and mode of service, and where there has not been personal service, the grounds and reasons of such service not having been made, is to be filed with the Registrar.

Notice by
alleged Lu-
natic de-
manding a
Jury.

10. The notice to be given by an alleged Lunatic for demanding a Jury may be to the effect following, with such variations as circumstances may require; that is to say:—

“In the matter of A. B., an alleged Lunatic.

“I, the above-named A. B., having been on the day of
“served with a notice of the presentation of a Petition for an Inquiry
“[*or*, of the filing of a Report whereon an Inquiry may be ordered]
“whether or not I am of unsound mind and incapable of managing
“myself and my affairs, do hereby demand that, in the event of such an
“Inquiry as aforesaid being ordered, the same be had before a Jury.

“Dated this day of .

(Signed)

“A. B.

“Witness,

“M. N., of ,

“Solicitor for the above-named A. B.”

PROCEEDINGS AFTER INQUISITION.

11. The Masters are in each matter, immediately after Inquisition finding the party to be a Lunatic, to inquire and report on the matters following:—

General Inquiries.

1. The Lunatic's situation.
2. The nature of his Lunacy.
3. Who is the most fit person to be appointed the Committee of his Person and of his Estate.
4. Of what his fortune consists.
5. The amount of his income.
6. In what manner, and at what expense, and by whom, and where, he has been maintained; what is fit to be allowed for his past maintenance; whether anything and what is due, and to whom, in respect thereof; and to whom and out of what fund the same ought to be paid.
7. What is fit to be allowed for his future maintenance, from what time the allowance ought to commence, and out of what fund the same ought to be paid.

12. The Masters are to be at liberty from time to time to make such Inquiries as to them shall seem expedient respecting any dealings with the Lunatic's estate, and the application of the same, or any part thereof, prior to the date of the Inquisition, and respecting the state and condition of the Lunatic when any such dealings took place, whether any request or proposal in that behalf shall or shall not have been made to or laid before them, and to report thereon, and on the circumstances connected therewith, and the steps, if any, proper to be taken, and by and against whom in relation thereto.

Inquiries as to past dealings with estate.

13. The Masters are to be at liberty, when it shall seem to them expedient, to inquire what debts, if any, not open to dispute or question are due from the Lunatic, and to whom and whether the same, or any, and what parts or part thereof ought to be paid, and out of what funds or property, and to entertain proposals for the adjustment and settlement thereof, and for the compromise and settlement of any disputed debt, claim, or demand upon or against the Lunatic or his estate, and to report on such matters respectively.

Debts.

14. The Masters are also to be at liberty from time to time to receive any proposal and conduct any Inquiry touching any other matters affecting the property of the Lunatic, whether real or personal, and to report thereon.

Inquiries as to estate.

15. The Committee of the Estate is annually, or at such longer or shorter periods as the Masters shall fix, to procure his accounts to be delivered into the Masters' office, and is to attend before the Masters from time to time, and at or within such time as the Masters shall fix, and have such accounts taken and passed, in taking and passing which accounts the Masters are to make to him all just allowances, including an allowance of his reasonable and proper costs, charges, and expenses

Accounts.

of passing the account and those of the next of kin and other persons (if any) allowed to attend on the passing of the account at the costs of the estate.*

Payment
and invest-
ment of bal-
ances and
cash.

16. The balances certified by the Masters to be due from the Committee of the Estate on passing his accounts from time to time, or so much thereof respectively as the Masters certify to be proper to be paid by him, are to be paid by him, at or within such time as the Masters shall fix, into the Bank, with the privity of the Accountant General, to the credit of the matter, and the same, when paid in, and any sum of cash at the Bank to which the Lunatic may be entitled, or so much thereof respectively as the Masters shall by their certificate direct, are from time to time, and in case the Masters shall think fit to fix a time, then within such time as the Masters shall fix, to be laid out in the purchase of Bank 3½. per Cent. Annuities, in the name and with the privity of the said Accountant General, in trust in the matter; and the dividends from time to time to accrue due on the Bank Annuities to be so purchased, and all accumulations of dividends, are, unless the Masters shall otherwise certify, as and when the same amount to a competent sum, to be laid out by the Accountant General in like manner, without any request for the purpose.

Penalty on
default.

17. Where the Committee of the Estate makes default in bringing in his account, or in having the same passed, or in paying the balance certified to be due from him, or in causing the same, or any sum of cash in the Bank, to be laid out pursuant to any certificate or direction in that behalf, the Masters are, unless good cause be shown to them to the contrary, not only to disallow any salary claimed by him or his representatives, but also to charge him or them with interest, after the rate of 5½. per cent. per annum, upon any balance or cash for the time during which the same respectively appears to have improperly remained in hand or uninvested (as the case may be).

Sureties.

18. The Committee of the Estate is on each occasion of passing his account, and also whensoever the Masters may so require, to satisfy the Masters that his sureties are living, and that neither of them has been declared bankrupt or insolvent; and in default thereof, the Masters are to require him to enter into fresh security within such time as they shall fix.

Reduction of
security.

19. The security of the Committee of the Estate may be from time to time on request reduced to an amount corresponding, in the judgment of the Masters, with the condition for the time being of the estate and effects of the Lunatic, and the dividends, interest, and annual produce thereof. And he is to be at liberty to enter, from time to time, into fresh security accordingly, to the approbation of the Masters.

Payment or
transfer
into Court
on Certifi-
cate.

20. Where the Masters by certificate direct or give liberty for the payment into the Bank of money, or the transfer into the name of the Accountant General of stock respectively belonging to the Lunatic, to the

* *Vide* Gen. Ord., 8 November, 1856 (*post*).

credit of or in trust in the matter, they are to be at liberty to direct that the same be placed to such particular account, or that it shall not be paid or transferred out without notice to such person, as occasion may require and they may direct.

21. The Masters are from time to time in each of the cases following without special Order, to inquire and report whether or not it is expedient that a Committee of the Person or of the Estate, should be appointed, and if so, who is the most fit person to be appointed: that is to say, Appointment of new Committees.

1. On default of a person approved to be Committee of the Estate in duly perfecting his security.
2. On default of a Committee of the Estate in duly perfecting a fresh security when required by the Masters.
3. On the death or discharge of a Committee, or one of several Committees (where the custody does not survive).

22. The Masters are to be at liberty to permit any person whose attendance may appear to them to be proper, and for the security or advantage of the Lunatic or his estate, other than the Committee and next of kin of the Lunatic, to attend on the proceedings, or on any particular proceeding before them in the matter, and all the provisions contained in Section LXXXI. of the said Act, as to the attendance of next of kin, are to extend and apply, *mutatis mutandis*, to the attendance of such person as aforesaid as well before the Masters as before the Lord Chancellor or Lords Justices. Attendance of parties.

23. The Masters are to be at liberty to direct that several parties appearing before them by different solicitors shall appear by the same solicitor, or otherwise at their own costs, or that several parties appearing before them by the same solicitor shall appear by different solicitors, and the parties are not to appear otherwise before the Lord Chancellor or Lords Justices, except by special leave, or at their own costs. Solicitors for parties attending.

24. The Masters are to be at liberty, on request or otherwise, to make a separate report, or to state any circumstances specially with respect to the subject-matter of a report, as they see fit, and are to be at liberty to make a special report or special certificate on any matter as they see fit. Separate Reports.

25. In reports, certificates, orders, and other documents, issued from or brought into the offices of the Masters and Registrar respectively, numbers are to be denoted by figures and not by words, except in affidavits and the conclusions of reports and certificates, and the ordering parts of Orders.* Figures for numbers.

26. Any person in whose custody, possession, power, or control the same may be, is to be at liberty to deposit any will, codicil, or testamentary paper of the Lunatic in the office of the Masters, upon oath, as they may direct, there to remain for safe custody. Deposit of wills.

* *Vide* Gen. Ord. of 3 July, 1864, and Gen. Ord. of 8 November, 1856 (*post.*)

STAMPS AND PER-CENTAGE.

Stamps. 27. The stamps to be used under the Lunacy Regulation Act, 1853, shall be the same as those for the time being in use, under an Act passed in the session of Parliament held in the fifteenth and sixteenth years of the reign of Her present Majesty, intituled "An Act for the Relief of the Suitors of the High Court of Chancery." Such stamps are to be affixed by the parties requiring the same on the vellum, parchment, or paper on which the proceeding in respect whereof such stamps shall be required is written or engrossed, or which may otherwise be used in reference to such proceeding.

Obliteration of stamps. 28. Every officer who shall receive any document to which a stamp shall be so affixed, is immediately upon the receipt thereof to obliterate or deface such stamp, by impressing thereon a seal to be provided for that purpose, but so as not to prevent the amount of the stamp from being ascertained, and no such document is to be filed or delivered out until the stamp thereon shall be obliterated or defaced as aforesaid.*

Per-centage to be carried over by Accountant General. 29. The Masters may in such cases as they may think fit, certify that the whole, or any part of the per-centage payable under the Lunacy Regulation Act, 1853, is to be paid from time to time out of cash arising from dividends of the Lunatic that may be standing to the credit of the matter of any lunacy, either generally or to any particular account, and in such cases the certificate is to be left at the office of the Accountant General, and the Accountant General is, by virtue of such certificate, when so left, from time to time out of such cash to carry over to the credit of the Suitors' Fee Fund Account the amount to be so certified, and any orders made and to be made in any such matters respectively, are to be subject to this Order, and to be acted upon by the Accountant General accordingly.

Mode of payment of per-centage in other cases. 30. In all other cases the said per-centage is to be paid by means of stamps, and the Chief Clerk to the Masters is from time to time to give notice in writing to the Committee, or other person, of the amount of per-centage to be paid by him, according to the certificate of the Masters, under Section XXVII. of the said Act, and of the time within which such amount is to be paid, which time is to be fixed by the Masters, and mentioned in their certificate; and the said Committee or other person is within such time to pay the amount stated in the notice out of the income of the Lunatic, by purchasing stamps to such amount, and file such notice with the stamps affixed at the office of the Masters.

Certificate may comprise more or less than one year. 31. Where it appears to the Masters, with a view to the establishment of a uniform period for the payment of per-centage in the several matters in lunacy, or for other purposes, to be expedient, they are to be at liberty to make in any case a certificate comprising the income of a period greater or less than one year, and stating the amount of per-centage payable for such period, calculated according to the scale provided in the said Act.

* This Order is discharged, and other provision made for the obliteration of stamps, by General Order dated 1st August, 1856. (*See post.*)

32. The Masters are, once at least in every six months, and oftener if they shall think fit, to certify the names of all persons, if any, who shall then be in default in paying the amount certified to be payable by them in respect of the said per-centage, and filing the notices duly stamped as hereinbefore provided, with the amounts payable by such parties respectively.

Default to be certified.

33. The foregoing Orders respecting per-centage shall extend and be applied to the property of Lunatics under the protection of the Lord Chancellor and Lords Justices, intrusted as aforesaid, by virtue of proceedings taken under the Act of the session of Parliament holden in the 8th and 9th years of the reign of her Majesty, chapter 100, section 95, and also to the property of Lunatics under the protection of the Lord Chancellor and Lords Justices, intrusted as aforesaid by virtue of the transmission of the record of an Inquisition from Ireland and its entry of record in the Chancery of England, except in respect of income arising from property of such persons not within the jurisdiction of the Lord Chancellor and Lords Justices, intrusted as aforesaid, nor administered under their authority; and the several foregoing orders as to fees, shall extend and apply to all the proceedings in the matter of such Lunatics as aforesaid, and in the matter of any persons residing out of England and Wales, and declared idiot, Lunatic, or of unsound mind, according to the laws of the place where they are residing, where the Lord Chancellor or Lords Justices, intrusted as aforesaid, make an order affecting the stock, or any portion of the capital, stock, or shares of such person as last aforesaid, or the dividends thereof.

Application of per-centage and Fees to cases mentioned in sec. 33 of Lun. Reg. Act.

And for the purpose of saving the repetition in Orders in Lunacy that may from time to time be made, of directions usually inserted therein, I do, in pursuance of the Lunacy Regulation Act, 1853, and with the advice and assistance aforesaid, further order as follows:—

34. Where any matter or thing is referred to or is directed or permitted to be done by or before the Masters, it is to be considered to be referred to them jointly and severally, and may be done by or before them or either of them, but so nevertheless that all matters in the same lunacy may, so far as may be convenient, be conducted and carried on before the same Master.

References to be joint and several.

35. All Orders for the appointment of Committees, and for the allowance of maintenance, are to be deemed to take effect only until further Order.

Orders for appointment of Committees.

36. Where it is ordered that a person named be appointed Committee of the Estate, the Order is to be deemed to take effect only on the Masters certifying that he has given such security as they have approved of for answering the estate and accounting for the rents, profits, and produce thereof once in every year, or oftener, if thereunto required before the

Appointment of Committee of the Estate.

Masters, and such security is to be perfected at or within such time as the Masters may appoint; and until such security shall have been perfected the approved Committee is not to interfere in any manner in the affairs and concerns of the Lunatic as the Committee of his Estate or otherwise.

Appoint-
ment of Re-
ceivers.

37. Where it is ordered that a person named be appointed Receiver of the Estate, or the Masters are directed to appoint a Receiver thereof, they are to allow him a reasonable salary for his care and pains in the management of the estates, he first giving security, to be allowed of by the Masters, and taken before a Commissioner to administer oaths in Chancery in the country, if there shall be occasion, duly and annually to account for what he shall receive, and to pay the same as he shall be directed. And the tenants of the Lunatic's estates are to attorn and pay their rents in arrear and growing rents to the Receiver, who is to be at liberty to let and set the estates from time to time, with the approbation of the Masters, as there shall be occasion.

Allowances
in accounts.

38. Where it is ordered that the Committee of the Estate do receive or be at liberty to receive any money on account of the Lunatic or his estate, he is to give credit for the same on passing his accounts before the Masters; and where any sum is ordered to be allowed for the maintenance of the Lunatic, or to be expended for any other purpose out of his estate, the Committee of the Estate is to be allowed the amount of the allowance for maintenance, or the amount to be expended (as the case may be) on passing his accounts before the Masters.

Payments by
Committee
for mainte-
nance or
costs.

39. Where it is ordered that the Committee of the Estate do pay any sums of money for maintenance, he is to pay the same out of income; and where it is ordered that he do pay any costs, he is to pay the same, when taxed, out of any monies coming to his hands after providing for the maintenance.*

Inventories.

40. Where it is ordered that the Committee of the Estate or the person be at liberty to retain any furniture or effects of the Lunatic, he is to sign an inventory thereof, and an undertaking to deliver up the same when required so to do, and such inventory and undertaking are to be deposited in the office of the Masters.

Discharge of
Committee
of Estate.

41. Where it is ordered that the Committee of the Estate be discharged, the Masters are to take and pass his account of his receipts and payments for and on account of the Lunatic and his estate, from his appointment, or from the foot of his then last account passed in the matter, up to the day of the date of the Order, and the balance (if any) which the Masters may certify to be due from the Committee on passing the aforesaid account, is to be paid by him, by virtue of the certificate, into the Bank, with the privity of the Accountant-General, to the credit of the matter within such time as the Masters shall by their certificate direct; and in case the Masters shall find a balance to be due to the discharged Committee, the same is to be paid to him by the new Committee of the Estate, out of the estate of the Lunatic; and upon payment of the afore-

* *Vide* Gen. Ord. of 12 January, 1855 (post).

said balance (if any) by the discharged Committee in manner aforesaid, or in case there shall not be a balance found due from him, or in case the taking and passing of the account is not required, and may in the opinion of the Masters be properly dispensed with, then his security is to be discharged.

42. Where the Committee of the estate dies, the Masters are to take and pass the account of his receipts and payments for and on account of the Lunatic and his estate, from his appointment, or from the foot of his then last account passed in the matter up to the day of his death. And the balance (if any) which the Masters may certify to be due from the late Committee on passing the aforesaid account may be paid by his legal personal representatives, by virtue of the certificate, into the Bank, with the privity of the Accountant General, to the credit of the matter within such time as the Masters shall by their certificate direct; and in case the Masters shall find a balance to be due to the late Committee, the same is to be paid to his legal personal representatives by the new Committee of the estate out of the estate of the Lunatic; and upon payment of the aforesaid balance (if any) by the legal personal representatives of the late Committee in manner aforesaid, or in case there shall not be a balance found due from him, or in case the taking and passing of the account is not required, and may in the opinion of the Masters be properly dispensed with, then his security is to be discharged.

Death of
Committee
of estate.

43. Where a Supersedeas is issued, the Masters are to take and pass the account of the Committee of the estate of his receipts and payments for and on account of the Lunatic and his estate from his appointment, or from the foot of his then last account passed in the matter up to the day of the date of the Order. And the balance (if any) which the Masters may certify to be due from the Committee on passing the aforesaid account is to be paid by him to the Lunatic. And in case the Masters shall find a balance to be due to the Committee, the same is to be paid to him by the Lunatic; and upon payment of the aforesaid balance (if any) by the Committee in manner aforesaid, or in case there shall not be a balance found due from him, or in case the taking and passing of the account is not required, then his security is to be discharged, and due notice of attending the Masters is to be given to the Lunatic.

Supersedeas.

44. Where a Lunatic dies, the Masters are to take and pass the account of the Committee of the estate of his receipts and payments for and on account of the late Lunatic and his estate, from his appointment or from the foot of his then last account passed in the matter up to the day of the decease of the late Lunatic. And the balance (if any) which the Masters may certify to be due from the Committee on passing the aforesaid account is to be paid by him to the legal personal representatives of the late Lunatic, to be by them applied in a due course of administration; and upon payment of the aforesaid balance (if any) by the Committee in the manner aforesaid, or in case there shall not be a balance found due from the Committee, or in case the taking and pass-

Lunatic's
Death.

ing of the account is not required, and may in the opinion of the Masters be properly dispensed with, then his security is to be discharged.

Fresh security.

45. Where a Committee enters into a fresh security, upon the same being duly perfected, and upon the balance then due by the Committee being paid or secured to the satisfaction of the Masters, the security theretofore in force is to be discharged.

Discharge of security.

46. Where, under or in pursuance of these orders, or any special order, the security of a Committee of the estate or receiver is to be discharged, then, in the case of a bond, the Masters are to deliver up the same to be vacated and cancelled. And in the case of a recognizance the Masters are by certificate to direct the clerk of the inrolments of the Court of Chancery to attend the Master of the Rolls with the inrolment of the recognizance to be vacated and discharged; and such clerk is, by virtue of such certificate, to attend accordingly. And in the case of security having been given in the whole or in part, by a sum of money or stock being brought into Court, the Masters are, by Report, to approve the payment or transfer in such manner as the Committee or receiver may request, and as may seem proper, of the sum of money or stock so brought in as aforesaid, and of all stock dividends and accumulations of dividends produced by or arising from the same; and on such Report being confirmed, such payment or transfer is to be made accordingly, by or with the privity of the Accountant General, as the case may require.

Delivery out of deeds.

47. On the death of a Lunatic, or a *Supersedeas* being issued, the Masters are to ascertain and report who is entitled to receive the several deeds, securities, bonds, papers, effects and things relating to or forming part of the estate and property of the Lunatic remaining deposited in their office for safe custody, and on such Report being confirmed, the same are to be delivered out to the person who may be entitled to receive the same respectively.

Taxation of costs.

48. Where it is ordered that any costs, or costs, charges and expenses be taxed, the Taxing Master of the Court of Chancery in rotation, or the Taxing Master to whom the taxation of costs in the matter stands referred (as the case may be), is to tax and certify such costs, or costs, charges and expenses; and also to certify the names of the respective solicitors to whom the same should be paid; and due notice of attending the Taxing Master on the taxation is to be given to such parties as the Masters shall have certified are to attend on the proceedings in the matter, and where it is ordered that the costs, charges, and expenses of any Committee or next of kin in the matter of any lunacy be taxed, the Taxing Master in taxing such costs, charges, and expenses, is not to allow the costs, charges, or expenses of any petition or application upon which no order shall have been drawn up, unless the same shall by any order be directed to be allowed or ordered to be costs in the matter of such lunacy; nor to allow the costs, charges, or expenses of any proposal or inquiry before the Masters, which they shall have disallowed, or not thought fit to adopt or carry into effect, unless the

Masters shall have certified that such proposal or inquiry was proper.

49. Where, under or in pursuance of the said Act, or these orders, or any special order, fiat, or certificate, any money is paid into the Bank with the privity of the Accountant General, or any money or dividends, or accumulations of dividends, is or are invested in his name, and with his privity, in the purchase of bank annuities, or any stocks, funds, or annuities are transferred into his name and with his privity, in the books of the Governor and Company of the Bank of England or of any other public Company, or any stocks, funds, or annuities standing in his name are carried over in trust in a matter or to any account therein, he is to declare the trust thereof respectively accordingly, subject to further order.

Accountant General to declare trusts of money or stock.

50. For the purposes of any payment or investment to be made under these orders, or any special order, by the Accountant General, he is to be at liberty to draw on the Bank of England, according to the form prescribed by the Act of Parliament passed in the twelfth year of the reign of his late Majesty King George the First, and intituled, "An Act for better securing the monies and effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, as likewise Indorsements on South Sea Bonds," and the general rules and orders of the said Court in that case made and provided.

Accountant General to draw on the Bank.

51. Where any sum of stock standing in the books of the Governor and Company of the Bank of England, or any other public Company, in the name of the Accountant General, in trust in a matter generally, or on a particular account, is to be sold with his privity, one of the cashiers of the Bank is to have notice to attend the sale, and is to receive the money to arise thereby, and upon receipt thereof, is forthwith to pay the same into the Bank, with the privity of the Accountant General, to the credit of the matter generally, or on the particular account (as the case may be).

Sale of stock by Accountant General.

52. Where it is ordered that a sum of stock standing in the books of the Governor and Company of the Bank of England, or other public Company, be transferred into the name and with the privity of the Accountant General of the Court of Chancery, in trust in the matter, either generally or on a particular account, and no person is named in the order for making the transfer, the Secretary or Deputy Secretary, Accountant General or Deputy Accountant General, for the time being of the said Governor and Company, or other proper officer of such other Company is to make the transfer, and he or one of the cashiers for the time being of the said Governor and Company, or other such proper officer as aforesaid, is to receive any sum of money standing in the books of the said Governor and Company, or such other Company as aforesaid, accrued due at the date of the order, by way of dividend or periodical payment in respect of the stock to be transferred, and also any future sum so to accrue due previously to the transfer, and is to

Transfer of stock to Accountant General.

pay the same into the Bank, with the privity of the Accountant General of the Court of Chancery, to the credit of the matter, either generally or on such particular account as aforesaid, as the case may require.

Committee of estate to perfect security before payment, &c., by Accountant General.

53. Where it is ordered that the Accountant-General of the Court of Chancery, or any other person, or any company or body, do pay or be at liberty to pay any sum or sums of money, dividend, or periodical payments, or deliver any effects to the Committee of the estate, the order is not to take effect unless and until the Masters shall have certified that he has perfected his security.

Leases.

54. Where a report, certifying and approving of an agreement by an intended lessee to take a lease of certain hereditaments, upon the terms and conditions therein specified or referred to, is confirmed, and it is ordered that the agreement be adopted and carried into effect, the Masters (if they shall not have already done so) are to settle and approve of a proper lease to be granted to the intended lessee of the same hereditaments, at the rent, for the period, and under and subject to the covenants and conditions agreed on and approved of by the Masters; and the Committee of the estate is, in the name and on behalf of the Lunatic, to execute the lease when so settled and approved of, upon the Masters signing their allowance thereof, and upon the intended lessee executing a counterpart thereof, and the Masters are to certify accordingly.

Mortgage.

55. Where it is ordered that the Committee be at liberty to raise by mortgage of any part of the Lunatic's estate a sum of money for any purpose, the Masters are to settle and approve of a proper mortgage; and the Committee, upon payment to him or as may be directed, of the amount to be raised, is, in the name and on the behalf of the Lunatic, to execute the mortgage when so settled and approved of, and to do all such other acts as shall be necessary to effectuate the same; and the Committee is, out of the rents, profits, and produce of the Lunatic's estate, to pay and keep down the interest on the mortgage.

Sale.

56. Where a report approving of the sale of part of the Lunatic's real or leasehold estate is confirmed, the purchaser is, at or within such time as the Masters shall fix, to pay the purchase money for the hereditaments sold, into the Bank, in the name and with the privity of the Accountant General, to the credit of the matter, and to such particular account (if any) as the Masters may appoint; and upon the same being paid in, the purchaser is to be let into the possession of the hereditaments sold, and the receipt of the rents and profits thereof, as from such day as the Masters may appoint. And the Committee of the estate is forthwith, in the name and on the behalf of the Lunatic, to execute all proper conveyances, assignments, and assurances of the hereditaments sold unto the purchaser and his heirs, or his executors, administrators, and assigns, or as he or they shall direct, to be settled by the Masters, and due notice of attending the Masters is to be given to all parties interested.

CRANWORTH, C.

J. L. KNIGHT BRUCE, L. J.

G. J. TURNER, L. J.

GENERAL ORDER.

3rd JULY, 1854.

I, ROBERT MONSEY, BARON CRANWORTH, Lord High Chancellor of Great Britain, intrusted, by virtue of Her Majesty the Queen's Sign Manual, with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, do with the advice and assistance of the Right Honourable Sir JAMES LEWIS KNIGHT BRUCE, and the Right Honourable Sir GEORGE JAMES TURNER, the Lords Justices of the Court of Appeal in Chancery; also being intrusted as aforesaid, and by virtue and in exercise of the powers or authorities in this behalf vested in me by the Lunacy Regulation Act, One thousand eight hundred and fifty-three, and of every other power or authority, in anywise enabling me in this behalf, order and direct as follows, that is to say:—

From and after the fifth day of July, One thousand eight hundred and fifty-four, all office copies and other copies of proceedings, and documents in matters in Lunacy, shall be counted and charged for after the rate of seventy-two words per folio, and where such copies or any portion thereof shall comprise columns containing figures, each figure shall be counted and charged for as one word.

CRANWORTH, C.

J. L. KNIGHT BRUCE, L. J.

G. J. TURNER, L. J.

GENERAL ORDERS.

(AS TO THE CARE AND TREATMENT OF LUNATICS).

12th JANUARY, 1855.

I, ROBERT MONSEY, BARON CREANWORTH, Lord High Chancellor of Great Britain, intrusted, by virtue of Her Majesty the Queen's Sign Manual, with the care and commitment of the custody of the persons and estates of persons found idiot, Lunatic, or of unsound mind, do with the advice and assistance of the Right Honourable Sir JAMES LEWIS KNIGHT BRUCE, and the Right Honourable Sir GEORGE JAMES TURNER, the Lords Justices of the Court of Appeal in Chancery, also being intrusted as aforesaid, and by virtue and in exercise of the powers or authorities in this behalf vested in me by the Lunacy Regulation Act, 1853, and of every other power or authority in anywise enabling me in this behalf, Order as follows:

I. That the Masters in Lunacy do from time to time furnish the Visitors of Lunatics, with abstracts of their reports as to the fortune, income, and maintenance of each Lunatic, and of the Orders confirming such reports, and inform the said Visitors of any increase which may have accrued in the fortune of, and of any change which may have been made in the allowance or scheme for the maintenance of any Lunatic, so that at all times the said Visitors may be fully acquainted with the amount of the fortune and income of every Lunatic, and with the scheme approved and the allowance made for his maintenance.

II. That the Medical Visitors of Lunatics do on each occasion of visiting any Lunatic, inquire and examine whether such Lunatic is maintained in a suitable and proper manner, having regard to the then existing amount of the allowance ordered to be paid, and the then existing scheme approved of for the maintenance of such Lunatic; and also whether having regard to the then fortune and income of such Lunatic, it appears expedient that any and what addition should be made to his comforts, or any and what alterations should be made in the scheme for or manner of his maintenance.

III. That if the said Visitors shall on such inquiry and examination consider that the Lunatic is not maintained in such suitable and proper manner as is aforesaid; or that the allowance provided for his maintenance is not duly applied; or that any provision in the scheme for his maintenance, either for his personal comfort or enjoyment or otherwise, is not duly observed; or that any addition to the comforts, or any alteration in the manner of the maintenance of the Lunatic should be made, which his then fortune or income is capable of providing, they

shall forthwith make a special report, stating such their opinion, and the grounds thereof to the Board of Visitors.

IV. That the Board of Visitors shall proceed to consider such report of the Medical Visitors at their next meeting, and shall if they think fit refer the same to the Masters in Lunacy, or take such other steps thereon as may appear to them to be expedient.

V. That the Masters in Lunacy shall on any such report as aforesaid being referred to them by the Board of Visitors proceed to investigate the matters thereby reported upon, and may if they deem it expedient summon the Committee of the person or estate to attend before them to give explanations thereon; and the said Masters shall then make such report, if any, on the said matters to the Lord Chancellor as the said Masters may deem proper.

VI. That the Medical Visitors do in the annual report made by them to the Lord Chancellor in the case of each Lunatic, pursuant to the Lunacy Regulation Act, state the result of the examination and inquiry as to the maintenance of each Lunatic to be made by them pursuant to the foregoing Order, and do also in any case in which they shall have made any special report to the Board of Visitors pursuant to the above Order, state so far as they may be able what steps have been taken in consequence of such special report.

CRANWORTH, C.

J. L. KNIGHT BRUCE, L. J.

G. J. TURNER, L. J.

GENERAL ORDER.

Friday, the 1st day of August, in the 20th Year of the Reign of Her Majesty Queen Victoria, 1856.

I, ROBERT MONSEY, LORD CRANWORTH, Lord High Chancellor of Great Britain, intrusted, by virtue of Her Majesty the Queen's Sign Manual, with the care and commitment of the custody of the person and estates of persons found idiot, Lunatic, or of unsound mind, do, with the advice and assistance of the Right Honourable SIR JAMES LEWIS KNIGHT BRUCE, and the Right Honourable Sir GEORGE JAMES TURNER, the Lords Justices of the Court of Appeal in Chancery, also being intrusted as aforesaid, and by virtue and in exercise of the powers or authorities in this behalf vested in me by the Lunacy Regulation Act, One thousand eight hundred and fifty-three, and of every other power or authority in anywise enabling me on this behalf, Order as follows :

1. The Order numbered Twenty-eight, comprised in the General Orders in Lunacy dated the Seventh day of November, One thousand eight hundred and fifty-three, shall be and is hereby discharged.

2. Every officer who shall receive any document to which a stamp shall be affixed, pursuant to the said Orders of the Seventh day of November, One thousand eight hundred and fifty-three, shall, immediately upon the receipt of such document, cancel or deface the stamp thereon by writing upon such stamp his name, or the initial letters of his name, in such a manner as to show clearly and distinctly that such stamp has been made use of, and so that the same may not be again used ; and no such document shall be filed or delivered out until the stamp thereon shall have been cancelled or defaced in manner aforesaid.

3. In all cases where stamps impressed upon adhesive paper are used, the stamp affixed to the document shall be of an amount corresponding as nearly as is practicable with the amount of the stamp which such document requires, in order that no greater number of adhesive stamps may be affixed to any document than is actually necessary.

CRANWORTH, C.
J. L. KNIGHT BRUCE, L. J.
G. J. TURNER, L. J.

*Saturday, the 8th day of November, in the 20th year of the Reign of
Her Majesty Queen Victoria, 1856.*

ORDERS IN LUNACY.

I, ROBERT MONSEY, BARON CRANWORTH, Lord High Chancellor of Great Britain, intrusted, by virtue of Her Majesty the Queen's Sign Manual, with the care and commitment of the custody of the persons and estates of persons found idiot, Lunatic, or of unsound mind, do with the advice and assistance of the Right Honourable Sir JAMES LEWIS KNIGHT BRUCE, and the Right Honourable Sir GEORGE JAMES TURNER, the Lords Justices of the Court of Appeal in Chancery, also being intrusted as aforesaid, and by virtue and in exercise of the powers or authorities in this behalf vested in me by "The Lunacy Regulation Act, 1853," and of every other power or authority in anywise enabling me in this behalf, Order and direct as follows: that is to say.

1. From and after the 15th day of November, 1856, in lieu of copies of proceedings and documents in matters in Lunacy being made and delivered by the Officers in Lunacy at the office in which they are filed or left, copies of such proceedings and documents (save as hereinafter excepted) are to be made, delivered, charged, and paid for, according to the following regulations:—

1. The following copies are exempted from this Order, that is to say, office copies of affidavits to be made for and taken by the party filing the same, copies of documents prepared in the offices of the Masters in Lunacy and Registrar in Lunacy respectively to be made for and taken by the party having the conduct of the proceedings, office copies of all documents and proceedings filed in the office of the Registrar in Lunacy, and copies of all documents filed or deposited for safe custody in the office of the Masters in Lunacy.

2. The party or his solicitor requiring any copy, save as hereinbefore excepted, is to make a written application, to be delivered to the party by whom the copy is to be furnished, or his solicitor, with an undertaking to pay the proper charges.

3. Upon such requisition being made, with such undertaking as aforesaid, copies of such proceedings or documents are to be made by the party or his solicitor filing or leaving the same, or who under the first rule may have taken office copies thereof.

4. The copies are to be ready to be delivered at the expiration of forty-eight hours after the delivery of such request and undertaking, or within such other time as the Lord Chancellor, or the Lords Justices, intrusted as aforesaid, may in any case direct, and are to be delivered accordingly upon demand and payment of the proper charges.

5. The charges for all such copies are to be at the rate of fourpence per folio.

6. Copies of bills of costs are to be made side for side, so as to correspond with the bills of costs left in the office.

7. The folios of all copies are to be numbered consecutively in the margin thereof, and the name and address of the party or solicitor by whom the same are made is to be endorsed thereon, and such party or solicitor is to be answerable for the same being true copies of the originals or of the office copies of the originals of which they respectively purport to be copies, as the case may be.

8. Any party or solicitor who has taken any office copy mentioned in Rule 1, is to produce the same in Court, or at the office of the Masters in Lunacy, when required for the purpose of the proceedings to which the same relate.

2. All office copies, and copies to be furnished by parties or their solicitors, shall be written on paper of a convenient size, with a sufficient margin, and in a neat and legible manner, similar to that which is usually adopted by law stationers; and in the case of copies to be furnished by parties or their solicitors, unless so written, the parties or solicitors furnishing them shall not be entitled to be paid for the same.*

3. In case any Solicitor who shall be required to furnish any such copy as aforesaid, shall either refuse, or for two clear days from the time when the application for such copy shall have been made, shall neglect to furnish the same, the person by whom such application shall have been made shall be at liberty to procure a copy from the office in which the original document shall be or shall have been filed or left, in the same way as if no such application had been made to the solicitor, and in such case no costs shall be due or payable to the solicitor so making default, in respect of the copy or copies so applied for.

4. The Taxing Masters shall not allow any costs in respect of any copy so taken as aforesaid, unless the same shall appear to them to have been requisite, and to have been made with due care.

CRANWORTH, C.

J. L. KNIGHT BRUCE, L. J.

G. J. TURNER, L. J.

* *Vide* Gen. Ord. 3 July, 1854 (*ante*).

INSTRUCTIONS OF THE BOARD OF VISITORS
TO SOLICITORS AND COMMITTEES, AND
NOTICE TO COMMISSIONERS.

NOTICE TO COMMISSIONERS.

Lunatics' Visitors' Office,
Lincoln's Inn Fields, W.C.
186 .

Sir,

BY DIRECTION OF THE BOARD OF VISITORS OF LUNATICS,
I have to acquaint you, for the information of the Commissioners in
Lunacy, that
of
has been found Lunatic by Inquisition.

I am, Sir,
Your most obedient Servant,

SECRETARY.

LETTER AND INSTRUCTIONS TO SOLICITORS.

Lunatics' Visitors' Office,
45, Lincoln's Inn Fields, London.
186 .

Gentlemen,

THE BOARD OF VISITORS OF LUNATICS direct me to apply
to you as the Solicitors in the matter of
a Lunatic, for the information specified in the enclosed form, to enable
them to execute their duties pursuant to the Lunacy Regulation Act,
1853.

The Board further request, that if at any time prior to the appoint-
ment of Committees, either a change should be made in the residence of
the Lunatic, or his death should take place, you will send immediate
notice thereof to this office.

I am, Gentlemen,
Your most obedient Servant,

SECRETARY.

Messrs. —,
Solicitors.

FORM REFERRED TO IN THE FOREGOING LETTER.

*In Re**a Lunatic.*

The Solicitors in the matter are requested to ascertain the following facts accurately, and answer, sign, and return this paper, to

The Visitors of Lunatics,
45, Lincoln's Inn Fields, London.

STATE the name of the place in }
which the Lunatic re- }
sides, and the County. }

IF IN A TOWN, the name }
of the street, and num- }
ber of the house. }

And the name of the }
occupier of the house. }

IF NOT IN A TOWN, the }
nearest town. }

The distance from it to }
the Lunatic's house. }

The name of the road or }
railway station on or }
near which the re- }
sidence is. }

The nearest inn or public }
house. }

STATE ALSO, the name of the }
person having the care }
of the Lunatic. }

His address.

The name of the Medical }
Attendant. }

His address.

Signature of Solicitor,

Address,

Date,

INSTRUCTIONS SENT TO COMMITTEES.

Lunatics' Visitors' Office,
45, Lincoln's Inn Fields, London, W.C.,
186 .

THE BOARD OF VISITORS request that you will have the goodness to fill up the answers to the inquiries in the enclosed paper, and to return it, without delay, to this Office.

The Board further request that you will, from time to time, as occasion requires, send to this Office the information particularized below, which is required by the Visitors for the due discharge of their duties.

I am,

Your obedient Servant,

COMMITTEE'S HALF-YEARLY REPORTS.

Reports half-yearly, in January and July in each year, filling up the blank forms which will be sent from this Office, every half-year, for the purpose.

COMMITTEE'S SPECIAL REPORTS.

Immediate notice of any important change in the health or condition, whether mental or bodily, of M
to be sent to this Office.

CHANGE OF RESIDENCE.

Immediate notice of any change of residence of M
whether permanent or temporary, to be sent to this Office, with such particulars as to the new abode as will enable the Visitor to find it without difficulty. Careful attention to this direction is urgently required, as the visits have to be made at short intervals.

DEATH.

In the event of the death of M
immediate notice of this event to be sent.

PAPER REFERRED TO IN SUCH INSTRUCTIONS.

In Re

The Committee is requested to supply the following inquiries, sign, and return this paper, to

The Visitors of Lunatics,

45, Lincoln's Inn Fields, London, W.C.

STATE the name of the place in
which the Lunatic
now resides, and the
County.

*If the Lunatic be residing in an Asylum, the name of
such Asylum, and where situated, will be a sufficient
address.*

IF IN A TOWN, the name
of the street and num-
ber of the house.

And the name of the
occupier of the house.

IF NOT IN A TOWN, the
nearest post town.

The distance from it to
the Lunatic's house.

The name of the road or
railway station on or
near which the resi-
dence is.

The nearest inn or public
building.

STATE ALSO, the name of the
person having the care
of the Lunatic.

His or her address.

The name of the Medical
Attendant.

His address.

Signature of Committee,

Address,

Date,

APPENDIX.

PART II.

GENERAL ORDERS AND FORMS OF PROCEEDINGS UNDER "THE LUNACY REGULATION ACT, 1862," 25 & 26 VICT., c. 86. (*See pages 92 and 328.*)

ORDER IN LUNACY, 7TH NOVEMBER, 1862.

(*Vide page 92.*)

I, RICHARD BARON WESTBURY, Lord High Chancellor of Great Britain, do, by virtue and in exercise of the powers and authorities in this behalf vested in me by "The Lunacy Regulation Act, 1862," and of all other powers and authorities enabling me in this behalf, order as follows:—

I. These Orders shall be read and construed according to the Interpretations and directions contained in the 3rd, 4th, 5th, and 6th of the General Orders in Lunacy, dated 7th November, 1853.

II. These Orders are to be deemed to be subject to variation by Special Order of the Lord Chancellor or the Lords Justices of the Court of Appeal in Chancery in any case, and are to be applicable only when there may be no express directions contained in or given by any Special Order concerning any of the several matters provided for in these Orders, or so far as such directions may not extend.

III. All applications in pursuance of the 12th, 13th, and 15th Sections of the said Act shall be made by Petition to the Lord Chancellor, and such Petitions shall be signed by the Petitioner and be attested by a Solicitor of the High Court of Chancery, and may be in the form set out in the Schedule hereto, subject to such variations as the circumstances of the case may require.

IV. The notice to the alleged insane person of the application for an Order, in pursuance of the said sections or either of them, shall be by service on him personally of a copy of the Petition with a notice thereon indorsed, signed by the Petitioner or his Solicitor, to the following effect.

“Take notice that a Petition, of which a copy is within written, was, on the day of , presented to the Lord Chancellor, and that in pursuance thereof, Orders may be made, on the ground of your being of unsound mind and incapable of managing your affairs, for the purpose of rendering your property or the income thereof available for the maintenance or benefit of yourself (*and your family*) (*or for carrying on your trade or business*), and that if you intend to object to such Orders being made, notice of such objection must be signed by you and attested by your Solicitor, and filed at the office of the Registrar in Lunacy at his office in Southampton-buildings, Chancery-lane, London, within seven days from your receipt of the present notice.

V. The notice under the last preceding Order is to be served on the alleged insane person, by being delivered to him personally. And an affidavit of service, stating particularly the time and place, and mode of service, is to be filed with the Registrar.

VI. The notice of objection to be given by the alleged insane person, in pursuance of the 4th of these Orders, may be to the effect following, with such variations as the circumstances may require (that is to say) :—

"I, the above-named A. B., having been served with a notice of the presentation of a Petition, praying for an Order respecting my property, on the ground that I am of unsound mind and incapable of managing my affairs, Do hereby give notice of my intention to object to such Order being made.

"C. D.

Procedure upon petition.

VII. The Lord Chancellor or Lords Justices may, upon consideration of such Petition and the evidence in support thereof, either make an Order thereon without any attendance of Counsel, Solicitor or parties, or direct that the Petition be set down for hearing, or may direct that the Petition and Affidavits be referred generally to the Masters

to inquire and report thereon, or may refer it to the Masters to make any particular Inquiry respecting any matter to which the Petition relates.

VIII. In case of the Petition and Affidavits being referred generally to the Masters as above provided, they shall inquire and report as to the state of mind and condition of the alleged insane person, and if they find that he is of unsound mind and incapable of managing his affairs, then they are also to inquire and report as to the nature of his insanity, of what his fortune consists, and the amount of his income; and what should be allowed for his maintenance, and out of what fund, and to whom the same should be paid, and as to any other matters material to be considered in reference to the Order proposed to be made on the Petition, and in making such inquiry, as aforesaid, as to the state of mind of the alleged insane person, the Masters may, if they shall consider it necessary, visit the alleged insane person, or require him to be produced before them, as they may direct.

IX. The Masters are also to be at liberty to make any Inquiry, and report their opinion upon any matter connected with the property, or the maintenance of any such insane person, or the maintenance of his family, as they may see fit.

X. The Reports of the Masters under these Orders, shall, except in such cases as are mentioned in Section 95 of "The Lunacy Regulation Act, 1853," be submitted for confirmation without Petition, and shall, except in such cases as aforesaid, contain the directions consequential on the confirmation thereof, and the Fiat of the Lord Chancellor or Lords Justices thereon shall give such Reports the operation of Orders, subject to such other directions and provisions (if any) as the Lord Chancellor or Lords Justices may think fit.

XI. The Masters may, if they deem it expedient for the better prosecution before them of any such reference as aforesaid, direct that notice of the proceedings be given to any of the next of kin of the insane person, or to any other person, and no other person than such as the Masters shall direct to be served with notice as aforesaid shall be entitled to attend on the reference before them.

XII. All proceedings respecting the matters which are the subject of Practice in these Orders shall, except as herein otherwise provided, be conducted according to the General Orders, and the rules and practice in matters in Lunacy to be followed.

WESTBURY, C.

SCHEDULE

*(Referred to in 3rd Order).**(FORM OF PETITION.)*

In the matter of A. B., a supposed insane person. And of the "Lunacy Regulation Act," 1862.

To the Right Honourable the Lord High Chancellor of Great Britain.

The Humble Petition of C. D., of
, and E. F., of

Sheweth,

That A. B., now residing at _____, is now and has for last been of unsound mind and incapable of managing his affairs, as by the affidavits hereunto annexed appears.

That the property of the said A. B. consists of the following particulars, that is to say, the sum of £300 £3 per Centum Consolidated Bank Annuities standing in the name of the said A. B., and of three cottages with gardens and premises attached thereto at _____, in the county of _____, producing together a net income of £30 per annum.

That the said A. B. is a bachelor, and has no father or mother living, and your Petitioner, C. D., is the eldest brother and heir-at-law, and your Petitioner, E. F., is a sister of the said A. B., and that the names and descriptions of the other persons who would be entitled to the estate of the said A. B., under the Statutes for the distribution of the effects of intestates in case he were dead intestate, are set forth in the affidavits hereto annexed.

That there is owing to _____, for the past maintenance of the said A. B., the sum of £ _____.

Your Petitioners, therefore, humbly pray your Lordship that their costs, charges, and expenses of this application and consequent thereon, may be ordered to be taxed.

That the said sum of £300 £3 per Cent. Consolidated Bank Annuities may be ordered to be transferred, by the proper officer of the Bank of England, into the name of the Accountant General of the Court of Chancery, "In trust, in the matter of A. B., an insane person, and the 'Lunacy Regulation Act, 1862.'"

That a sufficient part of the said Bank Annuities, when so transferred, may be ordered to be sold to raise the amount of such costs when taxed, and also the said sum of £ _____; and that out of the proceeds of the said sale the amount of such costs, when taxed, and sum of £ _____, may be ordered to be paid.

That the dividends of the residue of the said Bank Annuities may be paid to your Petitioners during the life of the said A. B., or until further Order.

That your Petitioners may be authorised to receive the rents of the said cottages during the life of the said A. B.

That the said dividends and rents may be applied by your Petitioners in the maintenance of the said A. B.

Or that such other Order may be made as you may consider expedient for the purpose of rendering the property of the said A. B. available for his maintenance and benefit.

And your Petitioners will ever pray, &c.

C. D.

E. F.

Witness to the signing hereof }
by the said C. D. and E. F., }

G. H.,

Solicitor of the High Court of
Chancery.

FORM OF PETITION UNDER FOREGOING ORDERS.

(Vide page 92.)

In the matter of C. H., a supposed insane person. And of the "Lunacy Regulation Act," 1862.

To the Right Honorable the Lord High Chancellor of Great Britain.

The humble Petition of the Trustees of the parish of St. M., I., in the county of Middlesex, by W. H., of —, in the said parish, their clerk,
Showeth,

1. *That* your Petitioners are the Trustees of the parish of, &c., appointed and acting under the provisions of the Act passed, &c., intituled, &c. And as such Trustees, your Petitioners, are the guardians of the poor of the said parish, and have the custody, care, and administration of the funds raised for the relief of the said poor.

2. *That* C. H., now residing at the Asylum for Lunatics, at, &c., was in the month of June, 1848, residing as a domestic servant within the said parish of, &c., and having become disordered in her mind, became chargeable to the said parish, on or about, &c.

3. *That* the said C. H. has ever since been, and is now being, maintained as a Lunatic pauper out of the monies raised for the relief of the poor in the said parish, and your Petitioners (as such Trustees as aforesaid) have paid and expended in her maintenance, out of the said monies, the sum of, &c., no part whereof has ever been reimbursed to the said parish.

4. *That* the said C. H. is now, and has been for fourteen years and upwards last past, of unsound mind, and incapable of managing her affairs, as appears by the affidavits hereunto annexed.

5. *That* your Petitioners have recently discovered, and it is the fact that at the time when she became chargeable to the said parish as aforesaid, the said C. H. was possessed of the sum of £ — (*stock*), then standing in her name, &c.

6. *That* the property of the said C. H. now consists of the particulars following, that is to say, the said sum of £ — (*stock*), which in or about the year — were transferred from the name of the said C. H. into the name of the Commissioners for the Reduction of the National Debt, in consequence of the dividends thereon having remained unclaimed from the said month of, &c., and which are now standing in the name of the said Commissioners, and the aggregate amount of the dividends which have accrued due on the said New £3 Per Cent. Annuities, since the said month of, &c. (*stating particulars*).

7. *That* your Petitioners desire to have the future income of the said property, and a sufficient part of the capital thereof, from time to time paid to them for the future support and maintenance of the said C. H.

8. *That* the amount now being expended annually by your Petitioners for the maintenance of the said C. H., is the sum of £ —, or thereabouts.

9. *That* the said C. H. is a single woman, and has never been married, and was, &c. (*stating circumstances as to kindred*), as appears by the affidavits hereto annexed.

Your Petitioners therefore humbly pray your Lordship,

1. *That* your Petitioners' costs, charges, and expenses of this application, and consequent thereon, may be taxed.
2. *That* the said sum of £—— (*stock*) may be ordered to be transferred by the proper officer of the Bank of England into the name of the Accountant-General of the Court of Chancery, "In trust in the matter of C. H., an insane person, and the 'Lunacy Regulation Act, 1862,'" and that the dividends which have accrued due on the said (*stock*) since, &c., may be ordered to be paid or carried over by the proper officer of the said Bank, to the credit of the said Accountant-General, in trust in the matter aforesaid.
3. *That* out of the monies, &c., to be paid or carried over as aforesaid, the amount of your Petitioners' said costs, charges, and expenses as and when taxed may be ordered to be paid.
4. *That* the residue of the said monies, after payment of the said costs, may be ordered to be laid out in the purchase of like (*stock*), in the name of the said Accountant General in trust in the matter aforesaid.
5. *That* from time to time during the life of the said C. H. or until further Order, there may be paid to the clerk of your Petitioners for the time being out of the said property of the said C. H. the yearly sum of £—— by two equal half-yearly payments, of, &c., on, &c., in every year (the first of such payments to be made on, &c.). And that for the purpose of raising such half-yearly sums, so much of the residue for the time being of the said annuities as with the dividends thereon will be sufficient to raise the said half-yearly payments, of, &c. (the respective amounts of the residue of the said annuities, and of the said dividends, and of the sums to be raised to be verified by affidavit), may be from time to time sold, and that out of the money to arise by the said sales and the said dividends, the said yearly sum of £—— may be paid as aforesaid.
6. *That* the sums so to be paid to the clerk of your Petitioners for the time being as aforesaid may be applied by your Petitioners in the maintenance of the said C. H.
7. Or that such other Order may be made as your Lordship may consider expedient for the purpose of rendering the property of the said C. H. available for her maintenance and benefit.

And your Petitioners will ever pray, &c.

AFFIDAVIT OF SURGEON IN SUPPORT OF PETITION.

IN LUNACY.

In the matter of C. H., a supposed insane person. And in the matter of the "Lunacy Regulation Act, 1862."

I, W. G. M., of, &c., Fellow of the Royal College of Surgeons, and Medical Superintendent of the Female Department of the M. County Lunatic Asylum, at, &c., make oath and say,

1. *That* the above-named C. H. was received into the said asylum on or about the, &c., as a pauper Lunatic of the parish of, &c., county of Middlesex, and she has ever since been a patient therein, and is now confined there as a person of unsound mind and understanding, and during all that time the conduct and discourse of the said C. H. has been incoherent and irrational.

2. *That* on, &c., I visited and conversed with the said C. H., and that the delusion under which she labours and that which appears mostly to occupy her mind is, that she frequently hears voices and people speaking to her whom she cannot see, and calling her bad names, and telling her she is to go to the bottomless pit of unquenchable fire. (*Describe other delusions, if any.*)

4. *That* during her residence in the said asylum the said C. H. has had several fits of hysterical mania.

5. I have visited the said C. H. almost daily since the said, &c., and she still labours under similar delusions to those hereinbefore mentioned and her general conversation continues to be rambling, unintelligible, and incoherent.

6. According to the best of my judgment and belief the said C. H. has been ever since the said, &c., and is now decidedly of unsound mind, and unfit for the management of herself and her own affairs.

Sworn, &c.

AFFIDAVIT AS TO RESIDENCE AND KINDRED, ETC.

IN LUNACY.

In the matter of C. H., &c.

I, C. C., wife of, &c., make oath and say—

1. About the beginning of the year 1848, I hired the above-named C. H. as cook, and she lived with me in that capacity at, &c., for about six months, when she became strange and incoherent in her conduct and conversation, and incompetent to discharge her duties. She was then, as I was informed, and verily believe, removed to the Workhouse of the said Parish of, &c., and from thence to an Asylum or Licensed House for the reception of Lunatics, kept, &c.

2. During the period of the service of the said C. H. with me as aforesaid, I had several conversations with her as to whether she had any, and what family connexions, and she then told me that she had no relatives, that she had never been married, that she was the illegitimate child of, &c., that her father and mother were both dead.

Sworn, &c.

AFFIDAVIT AS TO MAINTENANCE OF PERSON, ETC.

IN LUNACY.

In the matter of C. H., &c.

1. I, W. H., of, &c., make oath and say, that I am Clerk of the Trustees of the Parish of, &c.

2. On or about the —, the above-named C. H. became chargeable to the said parish.

3. The said C. H. appearing to be a person of unsound mind, I, being then the Relieving Officer of the said Parish caused her on, &c., to be brought before, &c., one of the Magistrates of, &c., &c. And the said Magistrate then by an Order in writing under his hand, dated, &c., and directed to, &c., after stating or reciting that he had called to his assistance W. B. G., a Surgeon, &c., and that he the said (*Magistrate*) had personally examined the said C. H., a pauper then chargeable to the said Parish, and was satisfied that she was a Lunatic and a proper person to be confined, directed the said — to receive the said C. H. into his house, the Asylum for the said county being then full.

4. The said C. H. was pursuant to the said Order removed to the said Licensed House of, &c., on, &c., and continued there as a pauper, &c., until, &c., when she was removed to the Asylum for Lunatics at, &c., and she has ever since the said, &c., remained, and is now confined there as a pauper Lunatic, &c.

5. When the said C. H. became chargeable as aforesaid, I made inquiries whether she had any relations, and was informed she had none. And I have since been informed, and verily believe that she was the natural child of, &c., and that her father and mother are dead.

6. The Trustees of the said Parish have out of the poor rates of the said Parish paid for the maintenance of the said C. H. from, &c., to, &c., divers sums of money amounting altogether to the sum of, &c., no part of which has been reimbursed to the said Trustees.

7. The amount now being annually expended by the said Trustees in the maintenance of the said C. H. is the sum of — or thereabouts.

Sworn, &c.

AFFIDAVIT AS TO PROPERTY, ETC.

IN LUNACY.

In the matter of C. H., &c.

I, W. S., of, &c., make oath and say—

1. I am the Solicitor of the Trustees, of, &c.

2. I have received from the said Trustees several Stock receipts showing investments made by the above-named C. H. at various times previously to the month of, &c., in the purchase of Stock in the New £3, &c., amounting altogether to the sum of, &c.; and I have made inquiries at the Bank of England respecting the same, and have been informed and believe that the said Stock was standing in her name in the books of the Governor and Company of

the Bank of England, in the said month of, &c., and thenceforward until about the month of, &c., when the same was transferred to the Commissioners for the Reduction of the National Debt, in consequence of the dividends thereon having remained unclaimed from, &c., and that the said Stock was then standing in the name of the said Commissioners, and that the dividends which had accrued due thereon from, &c., had for the like reason been paid to the said Commissioners.

W. S.

Sworn, &c.

AFFIDAVIT OF SERVICE OF PETITION.

IN LUNACY.

In the matter of C. H., &c.

I, J. A. S., of, &c., make oath and say that—

1. I am one of the Solicitors for the Petitioners in this matter.

2. That I did on, &c., personally serve the above-named C. H. at, &c., with a true copy of the Petition presented in this matter, by delivering the said copy to and leaving the same with the said C. H. at the said Asylum, and such copy when so delivered and left by me had a notice endorsed thereon and signed by me as one of the Solicitors for the Petitioners in the words and figures following (*as in Orders*).

Sworn, &c.

ORDER MADE ON ABOVE PETITION AND EVIDENCE.

(*Vide page 92.*)

In the matter of C. H., a person of unsound mind, and the "Lunacy Regulation Act, 1862."

Whereas the Trustees of the parish of, &c., by W. H., their clerk, have preferred their Petition in this matter, and the same having come on to be heard before us on, &c., in the presence of —, &c., of Counsel for the Petitioners. Now upon hearing the said Petition and four several affidavits of, &c., &c., read, and what was alleged by the Counsel aforesaid, and upon reading the undertaking dated, &c., of the Trustees of the said parish, &c., to provide the said C. H. with the additional comforts therein mentioned, and it having been established to our satisfaction that the said C. H. is a person of unsound mind, and incapable of the management of herself and her affairs, and that her property does not exceed one thousand pounds in value. We do order that the Trustees of the parish, &c., by W. H. their clerk, be authorized to take the necessary steps for causing to be brought back into the name of the said C. H. in the books at the Bank of England the sum of, &c., Bank Annuities, to which she is beneficially entitled, and which has been transferred from her name in the said books into the names of the Commissioners for the Reduction of the

National Debt. And we do order that when the said, &c., (*Stock*) shall have been retransferred into the name of the said C. H., the Secretary, or, &c., &c., of the Bank of England do transfer such sum of, &c., into the name and with the privy of the Accountant General of the Court of Chancery in trust in these matters. And that the said Secretary, &c., or one of the cashiers, &c., do receive the amount of dividends carried over to the account, &c., and also any dividends which may become due on the said Bank Annuities previous to the transfer hereby directed, and pay the same into the Bank with the privy of the Accountant General of the Court of Chancery to the credit of these matters. AND WE DO ORDER THAT the reasonable and proper costs, charges, and expenses of the Petitioners of this application, and incident thereto, and consequent thereon be taxed, and that the amount thereof to be certified, &c., be paid out of the amount of cash from the dividends aforesaid, when placed to the credit of these matters to the Solicitor to whom the Taxing Master shall certify that the same should be paid. And that thereout also the sum of, &c., be paid to, &c., in respect of the maintenance of the said C. H., to, &c., last. AND WE DO ORDER that the residue (if any) of the said cash, after the payments thereout aforesaid, be laid out in the purchase of Bank New £3 per Cent. Annuities, in the name and with the privy of the said Accountant General, in trust in these matters. And we do Order that so much of any Bank New £3 per Cent. Annuities for the time being standing in the name of the said Accountant General, &c., in trust in these matters, as will be sufficient with any cash for the time being in the Bank, on the credit of these matters, to raise on the, &c., in every subsequent year until further Order, the sum of, &c., be sold. And that out of the money to arise by the said sale, and the said cash, the said sum of, &c., be from time to time paid to W. H., the Clerk to the said Trustees. And we do order that when the residue of the Bank New £3 per Cent. Annuities for the time being standing in the name of the Accountant General, in trust in these matters, shall become insufficient with any such cash as aforesaid to raise the sum, &c., the whole of such residue be sold, and the money to arise from such sale, and any cash then on the credit of these matters, be paid to the said W. H. And we do order that the monies which shall be received by the said W. H., under this Order, be applied by the Trustees of the said parish in the maintenance and for the benefit of the said C. H.

J. L. K. B., L.J.

G. J. T., L.J.

ANOTHER FORM OF PETITION. (*Vide page 92.*)

In the matter of H. M., Spinster, a supposed insane person. And of the Lunacy Regulation Act, 1862.

To the Right Honourable the Lord High Chancellor of Great Britain.

The humble Petition of G. M., of, &c., &c.,

Sheweth,

1. That H. M., formerly of, &c., but now of, &c. (*an asylum, &c.*), is now and for upwards of — years past has been of, &c., and incapable, &c., as by the Affidavits, &c., hereunto annexed appears.

K K

2. *That the property of the said H. M., consists of, &c., &c. (describing it).*
3. *That the said property has been divided, &c., and that the share of the said H. M., amounts to, &c.*
4. *That the said T. A., and F. O. H. (Trustees, &c.), are willing to pay the said sum of £—— into the Bank of England, in the name of the Accountant General of the Court of Chancery, if your Lordship should think fit to direct them so to do.*
5. *That the said sum of, &c., if invested, &c., would not produce an income of £50 per annum.*
6. *That the said H. M., is a spinster, &c. (as to next of kin).*
7. *That the said H. M., has been maintained by, &c.*
8. *That your Petitioner makes no claim for past maintenance, &c.*
9. *That your Petitioner is of the age of —— years, and is desirous that the said H. M., should be entrusted to the care of himself and his son, &c., and the survivors or survivor of them.*

Your Petitioner therefore humbly prays:—

- (1). Your Lordship (*for taxation of costs*),
 - (2). (For payment into Court by Trustees, of cash, &c.).
 - (3). (For payment of costs, as taxed, out of cash by Accountant General).
 - (4). (For investment of residue of cash, and payment of dividends to Petitioner, and other persons named by him, as above).
 5. Or that such other Order may be made, as your Lordship may consider expedient, for the purpose of rendering the property of the said H. M. available for her maintenance and benefit.
- And your Petitioner will ever pray, &c.

(Signed)

G. M.

Witness to the signing hereof by the said
G. M., A. G., &c., Solicitor, &c.

AFFIDAVITS OF PETITIONER AND OTHERS IN SUPPORT OF PETITION.

In the matter of H. M., Spinster, a supposed insane person, And of the Lunacy Regulation Act, 1862.

(I. AN AFFIDAVIT AS TO THE FAMILY, PROPERTY, &c.)

I, G. M., of, &c., Gentleman, make oath, &c.:—

1. *As to relationship and kindred.*
- 2, 3, & 4. *As to state of mind, conduct, &c., and past residence.*
- 5, 6. *As to property, &c., of alleged insane person.*
7. *As to willingness of Trustees to pay moneys into Court, &c., and echoing Petition as to these and other facts therein stated.*

II. AN AFFIDAVIT OF MEDICAL ATTENDANTS (*of Asylum as to the reception of insane person and her residence at the Asylum, and as to her state of mind as follows*):—

6. That the said H. M., though in tolerable physical health, is still in a complete state of dementia. She cannot answer the simplest question correctly; takes up her meat in her fingers; bursts into fits of laughter without any cause, and frequently screams violently, and shouts and sings.

7. That she is incoherent in her conversation, and frequently has sudden and violent paroxysms of mania, when she becomes dangerous to those around her, and, in our opinion, there is not the most remote prospect of her recovery.

8. We saw her on, &c., when she was decidedly of unsound mind and understanding, and altogether unfit for the management of herself or of her affairs.

Sworn, &c.

III. THE AFFIDAVIT OF SERVICE OF PETITION, &c., ON ALLEGED INSANE PERSON. (*Vide Orders and Form above.*)

Concluding paragraph (3). And I say that such notice was signed by the said Messrs. —, of —, Solicitors for the said Petitioner, G. M., &c.

Sworn, &c.

UNDERTAKING OF PARTIES AS RECEIVERS OF INCOME, &c.

IN LUNACY.

In the matter of H. M., Spinster, a supposed insane person, And of the Lunacy Regulation Act, 1862.

We the undersigned, G. M., T. M., and C. M., the father, brother, and sister of the above-named H. M., do hereby undertake to apply in the maintenance, and for the benefit of the said H. M., such moneys as we may receive for that purpose by virtue of any Order of the Lord Chancellor or the Lords Justices of Appeal in this matter, and to account for such moneys as may be directed by any Order of the Lord Chancellor or Lord Justices aforesaid. Dated this — day of, &c.

(Signed) G. M., T. M., C. M.

Witnesses, &c.

ORDER ON PRECEDING PETITION.

In the matter, &c.

UPON READING a Petition of, &c., and the Affidavits of, &c., and the undertaking of, &c., and Affidavit verifying, &c. And it having been established to our satisfaction that the said H. M. is a person of unsound mind, and incapable of managing her affairs, and that her property does not exceed £1,000 in value, WE DO ORDER that the reasonable costs, &c., be taxed, &c. (*for payment into Court of cash by the executors, &c., and for payment out, of costs, and for investment of residue of cash in stock, &c.*) AND WE ORDER that the dividends from time to time to accrue due on the Bank Annuities which shall be so purchased, be as the same shall become payable, paid to the said G. M., T. M., and C. M., until further Order, and be applied by them in the maintenance and for the benefit of the said H. M.

**BILL OF COSTS OF PROCEEDINGS UNDER "THE LUNACY
REGULATION ACT, 1862."**

(Vide page 92.)

IN LUNACY.

In the matter of C. H., and of the "Lunacy Regulation Act, 1862."

THE BILL OF COSTS, ETC., OF THE PETITIONERS, TO BE TAXED, ETC.

<i>Dates.</i>	£	s.	d.
Instructions for petition	0	6	8
Drawing same, fol. 20	1	0	0
Attending Mr. P., therewith to settle	0	6	8
Paid his fee and clerk	2	4	6
Instructions for affidavit of M.	0	6	8
Drawing same, fol. 7	0	7	0
Fees to him	3	3	0
Instructions for affidavit of H.	0	6	8
Drawing same, fol. 10	0	10	0
Instructions for affidavit of Mrs. C.	0	6	8
Drawing same, fol. 4	0	4	0
Instructions for, and drawing affidavit of, Mr. S., fol. 5	0	5	0
Attending Mr. P., with affidavits to settle	0	6	8
Paid his fee and clerk	2	4	6
Attending Mr. P., on petition, &c., &c.	0	13	4
Engrossing petition	0	6	8
Attending Mr. H., on signing same	0	6	8
Engrossing affidavit of H.	0	3	4
Attending him to be sworn, and oath	0	8	2
Copy petition for service	0	6	8
Attending, presenting same	0	6	8
Drawing special endorsement and copy	0	5	0
Attending Mr. S., to be sworn and oath	0	8	2
Journey to C. H., to serve Lunatic, &c.	2	2	0
Railway fare and expenses	0	2	6
Attending Mrs. C. to be sworn	0	6	8
Special Commissioner (oath)	0	12	0
Drawing affidavit of service, fol. 6	0	6	0
Attending Registrar's office, taking copy note of Lords Justices, 6s. 8d.; copy, 4d.	0	7	0
Attending Mr. P. therewith, &c.	0	6	8
Paid his fee and clerk	1	3	6
Instructions to him to move	0		6

	£	s.	d.
Attending him	0	6	8
Paid his fee and clerk	1	3	6
Attending Court, leave given	0	13	4
Two brief copies, Petition, and affidavits (10 sheets)	1	13	4
Two copies letters	0	13	4
Attending Mr. M. with brief	0	13	4
Paid his fee and clerk	5	10	0
Attending him to appoint consultation	0	6	8
Paid his fee and clerk	2	9	6
Attending Mr. P. with his brief	0	6	8
Paid his fee and clerk	3	5	6
Attending him to appoint consultation	0	6	8
Paid his fee and clerk	1	3	6
Attending consultation	0	13	4
Attending Court, order made	0	13	4
Attending to bespeak order, when directions, &c.	0	6	8
Attending at C. H. conferring as to directions, &c.	1	1	0
Railway and expenses (twice)	0	5	0
Attending Registrar's office thereon	0	6	8
Drawing statement for Registrar and copy	0	10	0
Attending him thereon	0	6	8
Attending him again, undertaking, &c., required	0	6	8
Drawing same, and fair copy	0	5	0
Attending Mr. H., &c., on signing same	0	6	8
Attending settling Minutes	0	13	4
Paid office copies, affidavits, and Minutes	0	6	3
Paid for Order	2	1	1
Attending passing	0	6	8
Copy for Taxing Master \	0	6	8
Attending to get Master in rotation marked	0	6	8
Drawing form of application for unclaimed dividends	0	6	8
Attending at Bank therewith	0	6	8
Attending Bank and obtaining advertisement	0	6	8
Attending inserting in "Times," 6s. 8d.; paid 1l. 1s.	1	7	8
The like for "Daily News," and paid	0	16	8
Attending at Bank producing papers	0	6	8
The Bank requiring office copy Order, attending for same, 6s. 8d.; paid, 1s. 11d.	0	8	7
Attending bespeaking directions to pay in	0	6	8
The like directions to transfer, &c.	0	6	8
Attending broker and paying his charges	2	14	8
Drawing costs and copy, fol. 20	0	13	4
Warrant on leaving and to tax	0	5	0
Attending taxing	0	6	8
Attending to identify Mr. H.	0	6	8

						£	s.	d.
Certificate of taxation, filing, and office copy, in all	...	...	...	...	...	1	10	8
Letters and attendances	...	...	...	...	...	1	1	0
Total bill*	...	...	...	...	...	£59	16	1

ANOTHER BILL OF COSTS OF PROCEEDINGS UNDER THE ABOVE ACT.

(Vide page 92.)

In the matter of H. M., &c., and Act, &c.

The bill of, &c., to be taxed, &c.								
Attending to Mr. M., conferring, &c., as to legacy of, &c., and how to make it available	...	...	...	...	...	0	6	8
Attending Mr. G. M., conferring, &c., as to proceedings under the Act, &c.	...	...	...	...	...	0	6	8
Instructions for Petition	...	...	...	...	...	0	6	8
Drawing same, fol. 18	...	...	...	...	...	0	18	0
Attending Mr. G. M. going through Petition, &c., and as to annuity, &c.	...	...	...	...	...	0	6	8
Perusing and correcting draft Petition, &c.	...	...	...	...	...	0	6	8
Attending Mr. M., conferring and explaining, &c., he wished to proceed, &c.	...	...	...	...	...	0	6	8
Engrossing Petition, 6s. 0d.; copy for court, 6s.	...	...	...	...	...	0	12	0
Attending Petitioner, attesting signature, &c.	...	...	...	...	...	0	6	8
Writing Dr. S., &c., as to Lunatic's being in asylum, &c.	...	...	...	...	...	0	5	0
Writing to, &c., for appointment, &c.	...	...	...	...	...	0	3	6
Attending Dr. M., the superintendent, &c., taking notes, &c., engaged 3 hours	...	...	...	...	...	1	1	0
Paid coach hire, &c.	...	...	...	...	...	0	6	0
Writing Dr. B. in reply to letter, &c., &c.	...	...	...	...	...	0	5	0
Instructions for affidavit of Mr. G. M., in support of Petition	...	...	...	...	...	0	6	8
Drawing same, 16s.; engrossing, 5s. 4d.	...	...	...	...	...	1	1	4
Attending, &c., deponent, 6s. 8d.; oath, 1s. 6d.	...	...	...	...	...	0	8	2
The like charges for affidavit of Dr. M.	...	...	...	...	...	1	2	2
Paid P.O. Order for Dr. B.'s charges	...	...	...	...	...	1	1	3
Writing him therewith	...	...	...	...	...	0	3	6
Attending Dr. M. and Dr. A., reading over affidavits, and to be sworn	...	...	...	...	...	0	16	4
Their fees	...	...	...	...	...	2	2	0
Attending to present Petition	...	...	...	...	...	0	6	8
Drawing statement of value of corpus for Registrar (as requested)	...	...	...	...	...	0	6	8
Fair copy, and attending therewith	...	...	...	...	...	0	6	8

* The foregoing Costs are somewhat special; but as they afford a guide to the practice under the Act, it has been deemed important to give them.

	£	s.	d.
Drawing notice (Petition answered), to serve on H. M., &c., and copy	0	6	8
Copy Petition, for service on her	0	6	0
Writing Dr. M., for appointment to attend and serve alleged Lunatic	0	3	6
Attending and serving accordingly	0	13	4
Drawing and engrossing affidavit of service	0	7	0
Paid oath	0	1	6
Attending Registrar with Petition and affidavit of service, &c. ...	0	6	8
The Registrar having requested to see us attending him, and taking notes of decision, &c., &c.	0	6	8
Drawing undertaking of Petitioner, &c.	0	6	8
Writing Petitioner thereon, &c.	0	5	0
Attending him and attesting signature, &c.	0	6	8
Attending Miss M. and her brother, for same purpose	0	13	4
Drawing affidavit, verifying signatures, 6s.; engrossing, 2s. ...	0	8	0
Attending to swear, 6s. 8d.; oaths, 3s.	0	9	8
Attending Registrar therewith—Order to be prepared	0	6	8
Paid office copies—affidavits	0	5	7
Paid Minutes, 1s. 4d.; close copy, 3s.	0	4	4
Attending settling, 13s. 4d.; stamp, 2l.	2	13	4
Attending passing, office copy, &c.	0	6	8
Paid for office copy	0	1	4
Attending for direction to pay in money	0	6	8
Attending executors of, &c., for money	0	6	8
Copy Order for them	0	6	8
Attending at Bank to pay in, and at Report Office, filing receipt and office copy, &c.	0	6	8
Copy Order for Taxing Master	0	3	0
Attending to get same referred	0	6	8
Drawing costs and copy, 15s. 4d.; warrants, 5s.	1	0	4
Attending taxing, 6s. 8d.; certificate, 1l. 2s.	1	8	8
Attending thereon, 6s. 8d.; office copy, &c., 11d.	0	7	7
Drawing request to Accountant General to invest cash	0	2	6
Attending bespeaking investment	0	6	8
Attending bespeaking Power of Attorney	0	6	8
Paid for same	1	3	0
Attending Messrs. M—— on executing same	0	13	4
Attending swearing affidavit, oath, and exhibit	0	11	8
Attending lodging power with Accountant General	0	6	8
Letters, messengers, and extra letters	2	2	0
Total	£33	2	7

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